



**Fourth Five-Year Review Report
for
Intel Corporation (Santa Clara III)
Superfund Site
Santa Clara, California**

June 2011

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Contents

Acronyms and Abbreviations

Executive Summary

Five-Year Review Summary Form

Section 1 Introduction

Section 2 Site Chronology

Section 3 Background

3.1	Physical Characteristics	3-1
3.2	Land and Resource Use	3-1
3.3	History of Contamination	3-2
3.4	Initial Response	3-3
3.5	Basis for Taking Action.....	3-3

Section 4 Remedial Actions

4.1	Remedy Selection.....	4-1
4.2	Remedy Implementation	4-3
4.3	System Operations/Operations and Maintenance	4-4

Section 5 Progress Since the Last Five-Year Review

5.1	2006 Five-Year Review Protectiveness Statement.....	5-1
5.2	Status of 2006 Five-Year Review Issues.....	5-1

Section 6 Five-Year Review Process

6.1	Administrative Components.....	6-1
6.2	Community Notification and Involvement	6-1
6.3	Document Review	6-1
6.4	Data Review	6-1
6.5	Site Inspection	6-4
6.6	Interviews	6-5

Section 7 Technical Assessment

<i>Question A:</i>	Is the remedy functioning as intended by the decision document?.....	7-1
<i>Question B:</i>	Are the exposure assumptions, toxicity data, clean-up levels, and RAOs used at the time of the remedy selection still valid?	7-1
<i>Question C:</i>	Has any other information come to light that could call into question the protectiveness of the remedy?.....	7-6

Section 8 Issues

Section 9 Recommendations and Follow-up Actions

Section 10 Protectiveness Statement

Section 11 Next Review

References

Appendices

- Appendix A* Copy of Environmental Data Report with Covenant and Environmental Restriction
- Appendix B* Documents Reviewed
- Appendix C* Five-Year Review Site Inspection Checklist

Tables

- 2-1 Chronology of Site Events 2-1
- 3-1 Contaminants of Concern, with A-zone Concentrations 3-3
- 4-1 ROD-Specified MCLs and Drinking Water Standards..... 4-2
- 5-1 Actions Taken Since the Third Five-Year Review 5-2
- 6-1 Groundwater Monitoring Parameters and Sampling Schedule Since April 2006..... 6-2
- 6-2 Shallow Aquifer Groundwater Elevation Ranges Since April 2006..... 6-3
- 6-3 Shallow Aquifer Maximum Groundwater Concentrations of TCE, cis-1,2-DCE, and Freon 113 Since April 2006 6-4
- 6-4 Replacement Well Analytical Results for November 22, 2010 6-4
- 7-1 Indoor Air Concentrations and EPA RSLs..... 7-3
- 7-2 Comparison of TCE Toxicity Factors 7-4

Figures

- 1 Site Location Map
- 2 Site Plan and Well Locations
- 3 Potentiometric Surface of the A Water-Bearing Zone (April 19, 2010)
- 4 Distribution of TCE in the A Water-Bearing Zone (April 19, 2010)
- 5 TCE Concentration Trends
- 6 Monitoring Well Closures and Replacements (October 2010)

Acronyms & Abbreviations

ARARs	applicable or relevant and appropriate requirements
ATSDR	Agency for Toxic Substances and Disease Registry
bgs	below ground surface
CalEPA	California Environmental Protection Agency
CCR	California Code of Regulations
CDM	Camp Dresser & McKee, Inc.
CDPH	California Department of Public Health
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
cis-1,2-DCE	cis-1,2-dichloroethylene
1,1-DCA	1,1-dichloroethane
1,2-DCA	1,2-dichloroethane
1,1-DCE	1,1-dichloroethylene
EPA	U.S. Environmental Protection Agency
FFS	Focused Feasibility Study
FS	Feasibility Study
GET	groundwater extraction and treatment
GWTS	groundwater extraction and treatment system
IC	institutional control
Intel	Intel Corporation
IRIS	Integrated Risk Information System
ISCO	In Situ Chemical Oxidation
IUR	inhalation unit risk
MCL	maximum contaminant level
msl	mean sea level
µg/L	micrograms per liter
µg/m ³	micrograms per cubic meter
mg/kg	milligrams per kilogram
MNA	monitored natural attenuation
ND	non-detect; not detected
NCP	National Contingency Plan
NPDES	National Pollution Discharge Elimination System
NPL	National Priorities List
O&M	operation and maintenance
OEHHA	California EPA Office of Environmental Health Hazard Assessment
ORD	Office of Research and Development

OSWER	Office of Solid Waste and Emergency Response
OU	Operable Unit
RAOs	Remedial Action Objectives
RAP	Remedial Action Plan
RAGS Part F	Risk Assessment Guidance for Superfund, Human Health Evaluation Manual Part F
RfD	Reference Dose
RfC	Reference Concentration
RI	Remedial Investigation
ROD	Record of Decision
RSL	Regional Screening Level
SARA	Superfund Amendments and Reauthorization Act
SC3	Santa Clara III
SCRs	Site Cleanup Requirements
SCVWD	Santa Clara Valley Water District
SES	Stellar Environmental Solutions
SF	Oral Slope Factor
Site	Intel Corporation Santa Clara III Superfund Site
TBC	to be considered
trans -1,2-DCE	trans-1,2-dichloroethylene
1,1,1-TCA	1,1,1-trichloroethane
TCE	trichloroethylene
TI	Technical Impracticability
VOC	volatile organic compound
Water Board	California Regional Water Quality Control Board San Francisco Bay Region

Executive Summary

The U.S. Environmental Protection Agency (EPA) has completed this Fourth Five-Year Review of the remedial action at the Intel Corporation (Intel) Santa Clara III (SC3) Superfund Site (Site), located in Santa Clara, California, in Santa Clara County. The Site is approximately one acre in size and consists of a low-rise building, landscaping, and parking areas. The building at the Site was used from 1976-2008 for performing quality control of chemicals and electrical testing of semiconductors, and since 2010 is being redeveloped as a data storage center. The groundwater beneath the Site is contaminated with volatile organic compounds (VOCs), including trichloroethylene (TCE), which is a solvent.

Groundwater contamination was first discovered at the Site in 1982 and groundwater extraction and treatment began in 1985. Groundwater contamination at the Site is confined to the shallowest portion of the aquifer in an area approximately 300 feet long by 150 feet across. Contaminants found during the initial investigation included TCE; 1,1,1-trichloroethane (1,1,1-TCA); 1,1-dichloroethylene (1,1-DCE); 1,1-dichloroethane (1,1-DCA); 1,2-dichloroethane (1,2-DCA); cis- and trans- 1,2-dichloroethylene (cis- and trans- 1,2-DCE); Freon 113; and Freon 11. The EPA added the Site to the National Priorities List (NPL) in 1986. The source of the contamination was never positively identified. Currently, only TCE is present above cleanup standards.

In September 2010, EPA signed the Record of Decision (ROD) Amendment, which documented selection of a modified remedy, consisting of monitored natural attenuation (MNA) and institutional controls (ICs).

The remedy at the Site currently protects human health and the environment. The groundwater contamination has been reduced below drinking water standards (maximum contaminant levels [MCLs]) in all but a very limited area, and the remedy is expected to achieve drinking water standards site-wide and be protective in the long-term. Any potential groundwater exposure pathway that could result in unacceptable risks is currently being controlled through the use of a land use covenant that restricts soil excavation and property development, and prohibits the drilling of groundwater wells.

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Five-Year Review Summary Form

SITE IDENTIFICATION

Site name: Intel Corporation (Santa Clara III)

EPA ID: CAT000612184

Region: IX **State:** CA **City/County:** Santa Clara/ Santa Clara County

SITE STATUS

NPL status: Final Deleted Other (specify) _____

Remediation status (choose all that apply): Operating Complete

Multiple OUs? YES NO **Construction completion date:** August 18, 1992

Has site been put into reuse? YES NO The Site has remained in use throughout cleanup activities

REVIEW STATUS

Reviewing agency: EPA State Tribe Other Federal Agency _____

Author name: Rachelle Thompson

Author title: Remedial Project Manager **Author affiliation:** EPA Region IX

Review period: December 2010 - March 30, 2011

Date(s) of site inspection: January 7, 2011

Type of review: Statutory
 Policy Post-SARA Pre-SARA NPL-Removal only
 Non-NPL Remedial Action Site NPL State/Tribe-lead
 Regional Discretion

Review number: 1 (first) 2 (second) 3 (third) Other (fourth)

Triggering action:

- Actual RA On-site Construction at OU ___
 Actual RA

Previous Five-Year Review Report 2006

Construction Completion

Other (specify) _____

Triggering action date: September 2006

Due date (five years after triggering action date): September 2011

Issues:

No issues were noted during this Fourth Five-Year Review.

Recommendations and Follow-up Actions:

No recommendations and follow-up actions were noted during this Fourth Five-Year Review.

Protectiveness Statement:

The remedy at the Site currently protects human health and the environment. The groundwater contamination has been reduced to below drinking water standards (MCLs) in all but a very limited area, and the remedy is expected to achieve drinking water standards site-wide and be protective in the long-term. Any groundwater exposure pathway that could result in unacceptable risks is currently being controlled through the use of a land use covenant that restricts soil excavation and property development, and prohibits the drilling of groundwater wells.

Section 1

Introduction

The U.S. Environmental Protection Agency (EPA) conducted the Fourth Five-Year Review of the remedial action implemented at the Intel Corporation (Intel) Santa Clara III (SC3) Superfund Site (Site) in Santa Clara, California (Figure 1). This document, prepared in accordance with EPA's *Comprehensive Five-Year Review Guidance*, EPA 540-R-01-007 (EPA, 2001a), presents the results of the Fourth Five-Year Review conducted for the Site.

EPA is preparing this Five-Year Review consistent with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). CERCLA Section 121(c), as amended, states:

If the President selects a remedial action that results in any hazardous substances, pollutants, or contaminants remaining at the Site, the President shall review such remedial action no less often than each 5 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 NCP part 300.430(f)(4)(ii) of the Code of Federal Regulations (CFR) 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.

This Five-Year Review is required because hazardous substances, pollutants, or contaminants remain at the Site above levels that allow for unlimited use and unrestricted exposure. Specifically, contaminants in groundwater are present at levels exceeding the drinking water maximum contaminant levels (MCLs). This is the Fourth Five-Year Review for the Site. The triggering action for this review is September 20, 2006, the date of the Third Five-Year Review.

Section 2

Site Chronology

Table 2-1 provides a chronology of events at the Site.

Table 2-1
Chronology of Site Events
Intel Santa Clara III (SC3), Santa Clara, CA

Date	Event
1975	Site developed from agricultural land to business park.
1982	Groundwater contamination discovered at the Site.
June 1982	Intel submits California Regional Water Quality Control Board San Francisco (Water Board) facility questionnaire.
February 1985	Groundwater extraction from two extraction wells begins.
March 19, 1986	Water Board adopts National Pollution Discharge Elimination System (NPDES) Permit No. CA002941 (Order No. 86-014) for the discharge of treated extracted groundwater at the Site to San Tomas Aquino Creek via the stormwater sewer.
June 1986	Site is added to the National Priorities List (NPL).
January 1989	Water Board adopts Initial Site Cleanup Requirements.
May 1989	Water Board adopts Revised Site Cleanup Requirements.
July 18, 1990	Water Board adopts Order No. 90-105, Final Site Cleanup Requirements, specifying the Remedial Action Plan (RAP) for the Site.
September 20, 1990	Record of Decision (ROD) signed by EPA.
December 1990	Third groundwater extraction well is installed at the Site.
May 19, 1991	Water Board adopts revised NPDES Permit No. CA0028941 for the discharge of treated extracted groundwater from the Site. Groundwater extraction and treatment from the expanded extraction system begins.
April 1991	Pulsed pumping trials begin.
January 1993	Intel and EPA sign an Administrative Consent Order establishing liability for cost of cleanup at the Site.
April 1994	Water Board allows the groundwater extraction and treatment system (GWTS) to be shut down in response to a significant decline in contaminant removal rates. A trial of monitored natural attenuation is begun.
January 10, 1996	Water Board issues coverage under Order No. 94-087, General NPDES Permit No. CAG912003, general permit for discharge or reuse of extracted, treated groundwater resulting from the cleanup of groundwater from volatile organic compounds (VOCs).
October 1996	First Five-Year Review completed (EPA, 2995).
August 2001	Second Five-Year Review completed (EPA, 2001b).
May 2006	Intel Corporation prepares a Focused Feasibility Study (FFS) selecting In Situ Chemical Oxidation (ISCO) as a technology to accelerate remediation of trichloroethylene (TCE) remaining in Site groundwater and advancing the Site towards delisting.
August 2006	EPA assumes role of Lead Agency for the Site.
September 2006	Third Five-Year Review completed.
September 2006	ISCO implemented at the Site.
December 2006	Intel presents results of ISCO and requests delisting from the NPL.

Table 2-1 (Continued)

Date	Event
April 2007	Intel submits a request for a Technical Impracticability (TI) Waiver because the California Department of Public Health (CDPH) MCLs had not been achieved throughout the Site with active groundwater extraction or using ISCO.
April 2007	EPA determines that due to the low contaminant levels and the possibility of meeting groundwater quality objectives within 50 years, pursuit of a TI Waiver and deletion from the NPL would not be consistent with EPA TI criteria. EPA determines that monitored natural attenuation (MNA) would be a feasible remedial alternative for achieving remedial action objectives (RAOs) within 50 years.
January 2008	Revised environmental covenant is filed with the Santa Clara County Recorder's Office.
2008 - 2010	Intel ceases operations and Site remains unoccupied until Vantage Data Centers purchases the property in April 2010.
March 2010	Stellar Environmental Solutions (SES), on behalf of Intel, submits a Letter of Findings documenting results from an Indoor Air study conducted at the site (SES, 2010a). The study finds that none of the chemicals detected in groundwater or indoor air were present above EPA Regional Screening Levels.
March 2010	SES, on behalf of Intel, prepares a technical memorandum examining the feasibility of implementing MNA at the Site.
April 2010	EPA issues Proposed Plan proposing to amend the ROD to MNA.
April 2010	Water Board issues letter concurring with change of remedy from GWTS to MNA.
September 2010	EPA issues a ROD Amendment, selecting MNA to achieve groundwater clean-up standards, institutional controls (ICs) to protect against inappropriate use of the contaminated groundwater until the clean-up standards are achieved, and monitoring of both of the remedy components until clean-up standards are achieved and sustained. The goal for MNA is aquifer restoration (EPA, 2010a).
October 2010	Monitoring wells SC3-1, SC3-5A and SC3-7A are decommissioned and replaced by SC3-1Rep, SC3-5ARep and SC3-7ARep. Wells are decommissioned to allow renovation of the Site by new owner Vantage Data Centers and redevelopment of the Site as a data storage center.
November 2010	Replacement wells SC3-1Rep and SC3-7ARep are sampled by Blaine Tech.
Ongoing	The remaining shallow groundwater wells are monitored annually.

Section 3

Background

3.1 Physical Characteristics

The Site is approximately one acre in size and is located at 2880 Northwestern Parkway in the City of Santa Clara, California (Figure 1). The Site is essentially flat and is occupied by a low-rise building, landscaping, and parking areas. The Site is located in a light industrial and commercial area (commonly known as Silicon Valley) that consists predominantly of electronics manufacturing and design. Figure 2 shows the layout of the Site. The nearest water body, San Tomas Aquino Creek, is located cross-gradient to the groundwater flow direction, approximately 960 feet to the east. The nearest residential development is nearly 2,000 feet south of the Site and is hydraulically upgradient of the Site.

Groundwater at the Site flows to the northeast towards the San Francisco Bay. Figure 3 shows potentiometric contours from the most recent groundwater monitoring event. The Site is located in the Santa Clara Valley, a structural basin filled with marine and alluvial sediments. The coarser deposits are likely a result of deposition in or near stream channels that drain the highlands surrounding the basin. Finer grain deposits result from a variety of conditions with the eventual result of a complex heterogeneous sequence of interbedded sands, silts, and clays. Municipal water supply wells tap an extensive deep regional aquifer that lies generally greater than 200 to 300 feet below ground surface (bgs). A thick, relatively impermeable aquitard separates this deep confined aquifer from an overlying complex series of discontinuous aquifers and aquitards that can extend up to within a few feet of the ground surface.

Two distinct shallow water-bearing zones have been encountered at the Site. They are 1) the A-zone, the first water-bearing zone found from 10 feet bgs to 25 feet bgs; and 2) the B-zone, the next water-bearing zone, extending from about 30 feet bgs to 45 feet bgs. The two zones are separated by a four to ten-foot thick aquitard composed of clay. Due to the discontinuous nature of the sediment layers, some hydraulic communication between the zones is possible.

3.2 Land and Resource Use

The buildings at the Site were constructed in 1975 by Intel and were used from 1976 to 2008 for performing quality control of chemicals and electrical testing of semiconductors. Before the 1970s, the Site and surrounding areas were mainly agricultural. From 2008 to mid-2010, the Site was unoccupied. Most recently, Vantage Data Centers purchased the property and is redeveloping it as a data storage center. Land use at the Site is expected to remain light industrial and commercial because of the surrounding land use patterns and because the deed restriction recorded for the Site prohibits residential use of the property.

The State of California has designated groundwater beneath the Site as a potential drinking water source. The Site overlies the Santa Clara Valley groundwater basin, which provides up to 50 percent of the municipal drinking water for over 1.8 million residents of the Santa Clara Valley (SCVWD, 2010). However, the contamination at

the Site has only affected the groundwater in the A-zone, which is not currently used for drinking water. High levels of naturally occurring selenium and total dissolved solids make the shallow groundwater unsuitable for drinking without treatment, though the groundwater is still considered a potential source of drinking water. Due to these characteristics of the shallow groundwater, and the land use covenant in place at the Site that restricts access or use of the groundwater, the shallow groundwater is not reasonably anticipated to be used as a drinking water source. The nearest municipal water supply well downgradient of the Site is the City of Santa Clara Well No. 33, located 1.6 miles north of the Site. The municipal supply well is screened within the deep aquifer, greater than 100 feet bgs, and is not expected to be impacted by contamination from the Site.

3.3 History of Contamination

Groundwater contamination was first discovered at the Site in 1982 when groundwater samples were collected at the Site as part of a leak detection program for underground tanks initiated by the California Regional Water Quality Control Board San Francisco Bay Region (Water Board) in the South Bay Area. Following the discovery of groundwater contamination at the Site, the Water Board required Intel to perform a soil and groundwater investigation. The remedial investigation (RI) included groundwater monitoring in the A-zone and B-zone, soil sampling, and soil vapor sampling. The source of contamination was never positively identified. Three potential sources were proposed and, to the extent practical, evaluated. The potential sources were: 1) leaks from the acid waste neutralization area; 2) spills near the above ground solvent storage facility; and 3) solvent spills associated with cleaning out pipes put in place during construction of the facility. As part of the investigations, an acid waste neutralization sump was removed. Data collected during the evaluation of these potential sources indicated that it was unlikely that a source existed, which could contribute to the existing VOC pollution in groundwater.

The original groundwater plume was found to cover an area approximately 400 feet long by 300 feet wide to a depth of approximately 27.5 feet bgs. The contaminants found in groundwater at the Site during the initial investigation included TCE; 1,1,1-trichloroethane (1,1,1- TCA); 1,1-dichloroethylene (1,1-DCE); 1,1-dichloroethane (1,1-DCA); 1,2-dichloroethane (1,2-DCA); cis 1,2-dichloroethylene (cis 1,2-DCE); trans 1,2-dichloroethylene (trans 1,2-DCE); Freon 113; and Freon 11. Table 3-1 provides the contaminants of concern with their respective maximum historical concentrations.

**Table 3-1
Contaminants of Concern, with A-zone Concentrations
Intel Santa Clara III (SC3), Santa Clara, CA**

Chemical	Maximum Historical Concentration (1982-1989) (µg/L)
1,1-DCE	84
1,1-DCA	8.2
1,2-DCA	16
cis-1,2-DCE	<7.9 ^a
trans-1,2-DCE	<7.9 ^a
TCE	490
1,1,1-TCA	810
Freon 113	1300
Freon 11	2.8

Notes: a – reported as total 1,2-DCE
µg/L – micrograms per liter

Source: EPA, 1990.

The initial soil and soil vapor analyses did not indicate significant contamination of Site soils. In 1984, the only VOC detected in soil was TCE, at a maximum concentration of 0.048 milligrams per kilogram (mg/kg).

3.4 Initial Response

Following the discovery of groundwater contamination at the site, the Regional Water Quality Control Board required Intel to perform a soil and groundwater investigation. In 1985, Intel constructed and began operating a GWTS to remove contaminated groundwater. Treated groundwater was discharged under a NPDES Permit from the Water Board into San Tomas Aquino Creek via the stormwater system. The extraction system operated from 1985 through 1994. The site was placed on the NPL in 1986 (EPA, 2006).

A definite source for the contaminants was never found, and no significant soil contamination was ever found. As part of the investigations, an acid waste neutralization sump was removed. In 1990, Intel submitted a RI/Feasibility Study (FS) Report. The report evaluated the results of the subsurface investigations, the effectiveness of the interim groundwater cleanup actions, and evaluated remedial alternatives.

3.5 Basis for Taking Action

The Site overlies the Santa Clara Valley groundwater basin. Groundwater from this basin provides up to 50 percent of the municipal drinking water for over 1.8 million residents of the Santa Clara Valley. The Site was placed on the NPL primarily because the past chemical releases posed a potential threat to this valuable resource.

Section 4

Remedial Actions

This section summarizes the selected remedial actions, remedy implementation, and operation and maintenance (O&M) of remedial systems.

4.1 Remedy Selection

Decision documents for selection of the remedy were the 1990 ROD and the 2010 ROD Amendment. These documents are discussed below, including a presentation of the Site's remedial action objectives and major system components of the selected remedy.

Summary of 1990 ROD

The ROD for the Site was signed on September 20, 1990 (EPA, 1990). The RAOs in the original ROD were to prevent migration of contaminants in the groundwater, prevent any future exposure to the public of contaminated groundwater, and to restore the A-zone groundwater to drinking water quality. The selected Site remedy consisted of the following elements:

- Groundwater monitoring to document capture of contaminated groundwater and to demonstrate restoration of groundwater to cleanup standards throughout the aquifer.
- Operation of existing two extraction wells.
- Construction and operation of one additional extraction well.
- Treatment of the contaminated groundwater and discharge of the treated water to San Tomas Aquino Creek via the stormwater system pursuant to an NPDES permit.
- A cyclic pumping trial to evaluate the efficacy of intermittent pumping in removing residual contamination.
- A deed restriction to prevent exposure to the contaminated groundwater until cleanup levels are achieved.

The chemical-specific groundwater cleanup standards were determined by California proposed or adopted MCLs, EPA MCLs, California Action Levels, or levels based on a risk assessment. The applicable drinking water standards (State and Federal MCLs) and the established RAOs listed in the ROD are shown in Table 4-1.

**Table 4-1
ROD-Specified MCLs and Drinking Water Standards
Intel Santa Clara III (SC3), Santa Clara, CA**

Chemical	Drinking Water Standard (µg/L)		Remedial Action Objective (µg/L)
	State	Federal	
1,1-DCE	6	7	6
1,1-DCA	5	NE	5
1,2-DCA	0.5	NE	0.5
cis-1,2-DCE	6	NE	6
trans-1,2-DCE	10	NE	10
TCE	5	5	5
1,1,1-TCA	200	200	200
Freon 113	1,200	NE	1,200
Freon 11	150	NE	150

Note: NE = none established
µg/L – micrograms per liter

Source: EPA, 1990.

Summary of 2010 ROD Amendment

The 2010 ROD Amendment was signed on September 7, 2010, and modified the previously selected remedy for the Site (EPA, 2010a). The 2010 ROD Amendment addressed the fact that the original remedy had successfully removed most of the groundwater contamination, but was no longer effective at reducing the residual contamination and had been turned off. The new remedy included in the 2010 ROD Amendment includes the following components of the original remedy:

- A deed restriction, revised in 2008 to restrict both land and water use.
- The groundwater monitoring program currently in-place at the Site.

The revised remedy replaces all other components of the original remedy with MNA to achieve groundwater clean-up standards.

The 2010 ROD Amendment did not modify the RAOs stated in the original ROD.

The expected outcome of the remedy is the restoration of the shallowest groundwater at the site to the quality required by its State-designated beneficial use as a potential source of drinking water. Specifically, TCE concentrations in the A-zone are expected to decrease below the MCLs within a few years or a few decades. Groundwater contamination at the Site is confined to the A-zone, in an area approximately 300 feet by 150 feet across as of April 2010 (Figure 4).

4.2 Remedy Implementation

Groundwater Extraction and Treatment System

The GWTS and groundwater monitoring program were already implemented at the time site cleanup requirements (SCRs) were adopted. A third extraction well was added in 1990. In 1991, the cyclic pumping trial specified by the ROD was begun because the efficiency of the system at removing contamination was declining. The GWTS was shut down in July 1993. During its operation, it had treated approximately 45 million gallons of groundwater, removing about 28 pounds of TCE. Because the system had removed most of the contaminant mass and was no longer removing significant levels of contaminants, in 1994, the Water Board approved the cessation of groundwater extraction and allowed Intel to implement a trial MNA program. In 2006, Intel conducted one round of in-situ chemical oxidation (ISCO) to evaluate the possibility of accelerating the cleanup, but though TCE concentrations initially decreased, they rebounded and did not decrease below the MCL, as shown in Figure 5.

Monitored Natural Attenuation

In September 2010, EPA signed the ROD Amendment that changed the remedy to MNA to achieve and sustain clean-up standards at the Site. Intel continues to monitor groundwater on an annual basis. The groundwater sampling results from these events are discussed in Section 6.

Based on a technical memorandum prepared by SES on behalf of Intel (SES, 2010b) significant biological degradation does not appear to be occurring; however, other physical and chemical processes have been reducing contaminant concentrations since the pump and treat system was turned off in 1993. The level of TCE in monitoring well SC3-1 is already below the MCL, and the remaining two wells with detectable TCE concentrations, monitoring wells SC3-3 and SC3-7A, are gradually approaching the MCL of 5 micrograms per liter ($\mu\text{g}/\text{L}$), as shown in Figure 5.

The MNA remedy will rely on naturally occurring physical, chemical, or biological processes that act without human intervention to reduce the mass, toxicity, mobility, volume, or concentration of contaminants in soil or groundwater. The 2010 annual monitoring event detected TCE at 11 $\mu\text{g}/\text{L}$ in well SC3-7A, 7.1 $\mu\text{g}/\text{L}$ in SC3-3, and 3.1 $\mu\text{g}/\text{L}$ in SC3-1.

Institutional Controls

ICs are non-engineering methods by which access to contaminated environmental media is restricted.

The 1990 ROD remedy included a deed restriction to prevent exposure to contaminated groundwater until cleanup levels are achieved. In 2008, an updated deed restriction, prohibiting residential and certain other sensitive land uses at the Site, was filed with the Santa Clara County Recorder's Office. The land use covenant also prohibits groundwater extraction and use or soil excavation without express permission from the Water Board.

As part of this Five-Year Review, EPA conducted an Environmental Lien Search to determine whether a standard title search would turn up the ICs. The search, conducted in early January 2011, showed that the 2008 deed restriction document appears in the record.

A copy of the Environmental Lien Search and the recent environmental restriction covenant are provided in Appendix A.

4.3 System Operations/Operations and Maintenance

O&M for the MNA remedy consists of conducting annual groundwater sampling and analysis. Since 2005, SES has conducted groundwater monitoring events on an annual basis on behalf of Intel. In the 2010 ROD Amendment, EPA estimated monitoring costs to be about \$20,000 a year. In February 2011, SES reported that Intel expenditures over the past five years total \$369,000 with \$169,000 of the expense occurring in 2006, when the ISCO pilot remedy was implemented. Environmental costs in 2010 totaled \$38,000. Cost information provided does not include EPA oversight costs (EPA, 2011b).

Section 5

Progress Since the Last Five-Year Review

The conclusions and recommendations made in the Third Five-Year Review are provided below.

5.1 2006 Five-Year Review Protectiveness Statement

From the Third Five-Year Review, the following statements were made regarding the protectiveness of the selected remedy for the Site:

“The remedy at the Site currently protects human health and the environment and upon the achievement of groundwater cleanup goals the remedy is expected to be protective in the long-term. The [groundwater extraction and treatment] GET remedy significantly reduced the contaminant concentrations in groundwater throughout the plume. The groundwater exposure pathway that could result in unacceptable risks is currently being controlled through the use of a land use covenant that prohibits the drilling of groundwater wells.”

5.2 Status of 2006 Five-Year Review Issues

Table 5-1 lists the issues and recommended follow-up action from the previous review and summarizes the action taken and outcome.

**Table 5-1
Actions Taken Since the Third Five-Year Review
Intel Santa Clara III (SC3), Santa Clara, CA**

Issues from Previous Review	Recommendations/ Follow-Up Actions from Previous Review	Party Responsible	Date of Action
Although remaining groundwater concentrations are very low, the groundwater cleanup goals have not been met for the Site.	Based on the conclusion of the FFS evaluation, effectiveness of reducing contaminant concentrations in the groundwater with in-situ RegenOx injection technology will be evaluated with an approved monitoring schedule (SES, 2006a).	Intel	September 2006 through April 2007
	<p>Action Taken and Outcome Intel performed ISCO injections at the Site in September 2006 and conducted subsequent monitoring. Results were reported in SES's Chemical Oxidation Remedy Implementation Report in December 2006 (SES, 2006c).</p>		
The ROD for the Site will need to be amended to reflect the implementation of a new remedy (monitored natural attenuation) and to assess the technical practicality of reaching the groundwater cleanup requirements	Site Cleanup Requirements Order 90-105 and the ROD specify the final remedial action plan for the Site to be a GET system. Because groundwater extraction is no longer being used at the Site, the ROD will need to be amended to reflect the change in cleanup method, and any other changes that significantly affect the selected remedy.	EPA	April 2007 and September 2010
	<p>Action Taken and Outcome In April 2007, Intel requested a Technical Impracticability waiver and subsequent delisting from the NPL (SES, 2007). EPA indicated that a TI waiver would not be granted because of the possibility of achieving MCLs in the near term through MNA. In September 2010, EPA signed the ROD Amendment, which included the new remedy of MNA to achieve and sustain clean-up standards at the Site.</p>		
The original ROD did not evaluate the vapor intrusion pathway. The Amended ROD should also reflect the possible need for vapor mitigation engineering controls for future residential redevelopment of the Site, should an evaluation using the most up-to-date TCE toxicity criteria suggest there is cause for concern.	Collect and analyze soil gas samples to verify that the soil gas concentrations are stable and to ensure there is no risk to human health. In addition, if the land use changes from the current commercial/industrial use to residential use, a comprehensive indoor air evaluation for residential use may need to be completed to ensure long-term protectiveness. At that time, based on the outcome of these assessments, the ROD should be amended, as necessary, to reflect any necessary vapor intrusion mitigation controls. If it is necessary, the land use covenant will be revised to reflect land use restrictions..	Intel	January 2008 and September 2010
	<p>Action Taken and Outcome In January 2008 Intel filed a revised restrictive covenant on the property that prohibited groundwater use, residential development and other sensitive uses, ensuring that property use will remain light industrial/ commercial until cleanup levels have been achieved. In March 2010, Intel submitted a Letter of Findings documenting results from an Indoor Air study conducted at the site (SES, 2010a). The study found that none of the chemicals detected in groundwater or indoor air were present above EPA Industrial Regional Screening Levels for indoor air. The September 2010 ROD Amendment included the 2008 deed restriction as an element.</p>		

Section 6

Five-Year Review Process

The following sections discuss the Five-Year Review data gathering process and findings.

6.1 Administrative Components

This Fourth Five-Year Review for the Site was led by Rachelle Thompson, the EPA Remedial Project Manager for the Site. The Five-Year Review consisted of community notification, document review, data review, ICs review, human health risk assessment, and site inspection. This work was initiated in December 2010, and extended through March 2011.

6.2 Community Notification and Involvement

For this Five-Year Review, EPA published a public notice in the Santa Clara Valley Weekly on January 26, 2011 announcing the beginning of the Five-Year Review process. No responses to the public notice were received. Following the release of the Fourth Five-Year Review, EPA will publish another public notice summarizing the findings of the Five Year Review, and will make the report available on EPA's website. The report will also be placed in the local information repository near the Site.

6.3 Document Review

As part of the Fourth Five-Year Review for the Site, documents relevant to the Site were reviewed (Appendix B). Documents were chosen for review focusing primarily on actions that have occurred during the past five years, but ranged in publication date from 1990 to the present. Appendix B provides a list of the reviewed documents. The most significant documents reviewed were the groundwater monitoring reports, the 2008 Covenant and Environmental Restriction, and the September 2010 ROD Amendment (EPA, 2010a). Based on these documents, the ensuing sections describe the findings of this Five-Year Review.

6.4 Data Review

The following sections describe the findings from the periodic monitoring and reporting, documented in the groundwater monitoring reports that were reviewed.

Performance Monitoring Program

Table 6-1 summarizes the monitoring schedule during the past five years as stated in the groundwater monitoring reports.

Table 6-1
Groundwater Monitoring Parameters and Sampling Schedule
Since April 2006
Intel Santa Clara III (SC3), Santa Clara, CA

Date	Monitoring Wells								
	SC3-1	SC3-2	SC3-3	SC3-5A	SC3-6A	SC3-7A	SC3-9A	SC3-4B	SC3-7B
4/20/2006	●○	●○	●○	●○	●○	●○	●○		●
4/20/2007	●○	●○	●○		●○	●○	●○		
4/24/2008	●○	●○	●○	●	●○	●○	●○		
4/21/2009	●○	●○	●○	●	●○	●○	●○		●○
4/19/2010	●○	●○	●○	●	●○	●○	●○		●○

Notes:

- = Groundwater elevation
 - = Groundwater sample collected and analyzed for VOCs
- Source: SES Groundwater Monitoring Reports 2006-2010

Based on the annual groundwater monitoring reports provided, groundwater samples are no longer collected from wells SC3-5A and SC3-4B. The Self Monitoring Plan included in Water Board SCR Order No. 90-105 specified that during the long-term monitoring phase, groundwater samples need to be collected from SC3-1, -6A, -7A, -9A, and -6B. SC3-6B was destroyed in May 2003. In 2009 and 2010, SC3-7B was sampled to provide information on potential impacts to the B-zone aquifer.

In 2010 the Site was purchased from Intel by Vantage Data Centers. Vantage Data Centers has been renovating the property for use as a data storage center. As part of the renovations, two A-zone wells (SC3-5A and SC3-7A) and one B-zone well (SC-7B) were moved to accommodate construction activities. In addition, two monitoring wells (SC3-1 and SC3-4B) were inadvertently compromised during construction. EPA approved decommissioning of SC3-7B due to non-detection of COCs, and replacement of wells SC3-1, SC3-5A and SC3-7A. The replacement wells were located as close to the original well locations as feasible given site constraints, and are shown in Figure 6.

On October 21-22, 2010, monitoring wells SC3-1, SC3-5A and SC3-7A were decommissioned and replaced with replacement wells SC3-1Rep, SC3-5ARep and SC3-7ARep, respectively. The decommissioning of SC3-1 and SC3-5A work was performed by VTS Drilling Company and overseen by SES on behalf of Rosendin Electric, the electrical contractor on the renovation. Wells SC3-7A and SC3-7B were decommissioned by Exploration Geoservices and overseen by BAGG Engineers, on behalf of Carlson Construction, the general contractor on the renovation. Well SC3-4B was decommissioned in April 2011. The decommissioning and well installations were performed according to Santa Clara Valley Water District (SCVWD) requirements and were inspected by a SCVWD inspector. Updated monitoring well locations are shown in Figure 6.

Elevation and Flow Directions

During the last 5 years, A-zone groundwater at the Site has been encountered at approximately 27 to 32 feet above mean sea level (msl). B-zone groundwater, as

measured at well SC3-7B, has been stable at approximately 35 feet above msl, which indicates that there is an upward vertical gradient from the B-zone to the A-zone. The horizontal component of groundwater flow at the Site is to the northeast towards the San Francisco Bay.

In the past 5 years, no pumping has occurred at the Site; the extraction wells were shut down in 1993. Groundwater elevations at the Site have not changed significantly. Table 6-2 shows the range of groundwater elevations for the monitoring wells since April 2006.

Table 6-2
Shallow Aquifer Groundwater Elevation Ranges Since April 2006
Intel Santa Clara III (SC3), Santa Clara, CA

Year	Groundwater Elevation (Well) (feet above msl)
April 2006	26.69 (SC3-9A) to 32.51 (SC3-2)
April 2007	29.03 (SC3-9A) to 31.65 (SC3-2)
April 2008	27.62 (SC3-9A) to 31.21 (SC3-2)
April 2009	27.75 (SC3-7A) to 31.38 (SC3-2)
April 2010	29.34 (SC3-9A) to 32.34 (SC3-2)

Note: msl – mean sea level

Source: SES Groundwater Monitoring Reports 2006-2010

Groundwater Quality

Shallow (A-zone) Aquifer

Shallow wells are screened above approximately 25 feet bgs. Constituents detected in the A-zone aquifer since 2006 include TCE; cis-1,2-DCE; and Freon 113. Table 6-3 shows the maximum concentrations of TCE; cis-1,2-DCE; and Freon 113 detected in groundwater samples from Site shallow wells (SC3-1, -2, -3, -5A, -6A, -7A, and -9A) over the past five years.

During the past five years, TCE concentrations have decreased significantly (Figure 5). Currently, TCE is only detectable in two wells, at 7.1 µg/L in SC3-3 and 3.8 µg/L in SC3-1rep. TCE was historically present above the cleanup level in well SC3-7A, but was not detected in well SC3-7Arep, indicating the limited extent of the remaining contamination. In 2010 a trace level, 0.7 µg/L, of cis-1,2-DCE was detected in SC3-6A which is below the cleanup standard of 6 µg/L. Freon 113 has been consistently detected in the shallow aquifer at levels well below the cleanup standard of 1,200 µg/L.

**Table 6-3
Shallow Aquifer Maximum Groundwater Concentrations of TCE,
cis-1,2-DCE, and Freon 113 Since April 2006
Intel Santa Clara III (SC3), Santa Clara, CA**

Year	Maximum Contaminant Concentrations (Well Where Detected) (µg/L)		
	TCE	Cis-1,2-DCE	Freon 113
MCL	5 µg/L	6 µg/L	1200 µg/L
2006	19 (SC3-7A)	ND	3.5 (SC3-3)
2007	11 (SC3-3 and SC3-7A)	ND	5.0 (SC3-3)
2008	26 (SC3-7A)	ND	4.3 (SC3-3)
2009	19 (SC3-7A)	ND	1.1 (SC3-3)
2010	11 (SC3-7A)	0.7 (SC3-6A)	2.2 (SC3-3)

Notes: µg/L – micrograms per liter
MCL – maximum contaminant level
ND – non-detect

Source: SES Groundwater Monitoring Reports 2006-2010.

After installation, the replacement wells SC3-1Rep and SC3-7ARep were developed and samples were collected on November 22, 2010 by Blaine Tech. Samples were analyzed for VOCs. Analytes detected are summarized in Table 6-4. Both TCE and 1,1-dichloroethylene were detected in well SC3-1Rep at concentrations below MCLs.

**Table 6-4
Replacement Well Analytical Results for November 22, 2010
Intel Santa Clara III (SC3), Santa Clara, CA**

Well	Analytical Results (µg/L)	
	TCE	1,1-DCE
MCL	5 µg/L	6 µg/L
Detection Limit	0.5	0.5
SC3-1Rep	3.8	0.53
SC3-7ARep	ND	ND

Notes: µg/L – micrograms per liter
ND – non-detect

Source: SES, 2011.

Intermediate (B-zone) Aquifer

Intermediate wells were screened within the water-bearing interval extending from 30 to 45 feet bgs. No VOCs were detected in B-zone well SC3-7B during the April 2006, April 2009 and April 2010 monitoring events.

6.5 Site Inspection

The EPA conducted a Site inspection on January 7, 2011. The inspection checklist is included as Appendix C. Representatives of SES and Camp Dresser and McKee, Inc. (CDM) participated in a site inspection. The inspection included a Site walk and a visual inspection of the monitoring wells.

Two issues were noted during the Site inspection:

- Monitoring well SC3-4B had been paved over during construction and needed to be properly abandoned.
- The casing for replacement monitoring well SC3-5A needed to be cut to grade and protection in the form of a Christy box needs to be installed.

Since the date of the site inspection, SES has completed the installation of the Christy box on replacement well SC3-5A, and decommissioned well SC3-4B.

The ICs selected for the Site include a restrictive covenant filed with the Santa Clara County Recorder's Office (Appendix A) that prohibits residential and certain other sensitive land uses at the Site. The land use covenant also prohibits groundwater extraction and use and soil excavation without express permission from the Water Board. During the Site visit, no activities were observed that might indicate potentially unsafe exposures to people or the environment. For example, there were no new wells observed during the Site inspection and there were no sensitive uses observed at the Site.

6.6 Interviews

As part of the Fourth Five-Year-Review, interviews were conducted during the Site walk with Mr. Richard Makdisi, President of SES (the contractor for Intel). Mr. Makdisi concurred that no complaints or violations with respect to the Site had been received or observed and that the remedy appears to be progressing as planned. The interview is included in Appendix C.

Section 7

Technical Assessment

This section evaluates whether the remedy is functioning as intended, the current status of assumptions, and new information affecting the remedy.

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

Remedial Action Performance

The remedy has almost met the 1990 ROD and 2010 ROD Amendment objective of restoring the groundwater to its beneficial uses by reducing the contamination levels below State and Federal MCLs. This reduction would eliminate the potential risk to human health from exposure to the groundwater. Although the TCE concentrations detected in wells SC3-3 and SC3-7A remain above the MCL, TCE concentrations are decreasing in both wells. Depending on the model and data set used, estimates for the time to reach MCL range from a few years to several decades (SES, 2010c). While the remedy may take up to several decades, the remedy is functioning as intended because there are no complete exposure pathways.

Opportunities for Optimization

No opportunities for optimization were identified during this review.

Early Indicators of Potential Issues

There are no early indicators of additional potential issues.

Implementation of Institutional Controls

As part of this Five-Year Review, EPA conducted an Environmental Lien Search to determine whether a standard title search would turn up the ICs. The search, conducted in 2011, showed that the 2008 deed restriction appears in the record (EDR, 2011).

A copy of the Environmental Lien Search and the recent environmental restriction covenant are provided in Appendix A.

Question B: Are the exposure assumptions, toxicity data, clean-up levels, and RAOs used at the time of the remedy selection still valid?

Changes in Standards and To Be Considered (TBCs)

A review of applicable or relevant and appropriate requirements (ARARs) on the September 2010 ROD Amendment was conducted for this Fourth Five-Year Review. The specific regulations cited for each chemical listed in the ROD were reviewed for changes. The current versions of the California Code of Regulations (CCR), Title 22 were reviewed to ensure all information is current.

The ARARs established in the 2010 ROD Amendment do not require revision to ensure the protectiveness of current remedial actions or to comply with new State or Federal requirements. Groundwater clean-up goals for the contaminants of concern based on Federal and State criteria have not been updated from the values contained in the 2010 ROD Amendment.

Since shallow groundwater at the Site could, in theory, be used as a drinking water source, risk management for the Site included a remedy based on achieving drinking water standards. Groundwater cleanup standards established for the Site were California MCLs (CDPH, 2010).

For TCE and other detected chemicals in groundwater, the use of MCLs as the Site groundwater cleanup standard appears to remain appropriate.

Changes in Exposure Pathways

A Preliminary Health Assessment for the Site was prepared by the ATSDR, U.S. Public Health Services, in January 19, 1989 (EPA, 1990). The report stated that the Site was not considered to be a current public health concern because of the apparent absence of human exposure to hazardous substances.

Contamination at the Site does not pose a risk to ecological receptors because there are no likely exposure pathways. The property is mostly paved, and potential impacts to surface waters are not a concern as there are no natural surface drainage features or surface water bodies at the Site. The nearest surface water body is San Tomas Aquino Creek, located 0.25 mile east of the site. No parks or surface water are adjacent to the site, and over 90 percent of the property is covered with blacktop or a building slab. Chemical constituents are only present in the shallow groundwater. Therefore, the RI/FS concluded that there is no probable pathway for exposure to critical habitats or endangered species.

The risk assessment prepared by the Water Board in 1990 and discussed in the 1990 ROD evaluated the Site for hypothetical future residential use even though the Site is used for light industrial / commercial purposes and was not planned for residential use. The risk assessment assumed hypothetical exposure to maximum detected concentrations in the A-zone groundwater in 1989. The carcinogenic risk and hazard index associated with drinking and showering with the contaminated groundwater were calculated at 7×10^{-5} and 0.001, respectively. As such, the carcinogenic risk was within EPA's acceptable risk range of one-in-a-million (10^{-6}) to one-in-ten-thousand (10^{-4}) individual lifetime excess cancers that may develop in a population, and the hazard index was less than 1. Since these values are within EPA's acceptable risk and hazard ranges, it was determined that ARARs (state and federal maximum contaminant level for TCE) would drive the cleanup at the site.

Land use at the Site has not changed significantly since the 1989 assessment. The Site is still located in a light industrial and commercial area and the reasonably anticipated future land use at the Site is light industrial, based on past activity at the Site and surrounding land use. In addition, a land use covenant recorded with the Santa Clara County Recorder's Office in January 2008 prohibits residential and certain other

sensitive land uses at the Site. The land use covenant also prohibits groundwater extraction and soil excavation without express permission from the Water Board. Therefore, the only complete exposure pathway at the Site would be the potential exposure of on-site workers to vapor intrusion of groundwater contaminants into indoor air. Evaluation of this pathway was recommended in the 2006 five-year review.

In 2010, Intel evaluated the vapor intrusion pathway (i.e., where pollutants volatilize from the groundwater and migrate into the air inside nearby buildings) for onsite workers by collecting indoor air samples. This exposure pathway was not considered in the original ROD. Indoor air monitoring results from March 2010 did not detect the presence of any VOCs above the EPA Region 9 Industrial RSLs for indoor air (SES, 2010a). The one detection of TCE at 1.8 µg/m³ was below the RSL of 6.1 µg/m³ for industrial indoor air, and the one detection of vinyl chloride at 0.076 µg/m³ was below the RSL of 2.8 µg/m³ (Table 7-1). The low concentrations of TCE in the groundwater and indoor air also indicate no significant risk from vapor intrusion at the Site for industrial receptors, although the one detection of TCE exceeds the residential indoor air RSL of 1.2 µg/m³. Vinyl chloride was not detected in groundwater above reporting limits.

**Table 7-1
 Indoor Air Concentrations and EPA RSLs
 Intel Santa Clara III (SC3), Santa Clara, CA**

Chemicals Detected in Indoor Air at Intel Santa Clara 3 Superfund Site March 2010^a	Site Concentrations Detected^b (µg/m³)	EPA Regional Screening Levels for Industrial Air^c (µg/m³)^b
Trichloroethylene	1.8	6.1
Vinyl Chloride	0.076	2.8

Notes: µg/m³ – micrograms per cubic meter
 a - Only chemicals detected are presented
 b - SES, 2010a. SES Indoor Air Survey Letter of Findings
 c – EPA, 2010b. EPA Regional Screening Levels; www.epa.gov/sfund/prgs

The deed restriction, the exposure assumptions, and subsequent clean-up standards are protective of human health for the chemicals of concern identified in the ROD.

Changes in Toxicity and Other Contaminant Characteristics

Toxicity criteria were also reviewed for this Five-Year Review by comparing values used in the 1990 risk assessment with current values posted on EPA’s online Integrated Risk Information System (IRIS) (EPA, 2011a) and the California EPA (CalEPA) Office of Environmental Health Hazard Assessment (OEHHA) online toxicity database (CalEPA, 2011a). Although there have been some changes to toxicity values for the chemicals detected in Site groundwater, risk calculations based on these updated values would not change the conclusion of the 1990 risk assessment. Since April 2006, only four chemicals have been detected above detection limits in Site groundwater – TCE; 1,1-DCE; cis-1,2-DCE, and Freon 113. The toxicity values of these chemicals are discussed in further detail below:

- TCE - EPA started the process to revise the TCE health risk assessment in 2006. In the interim, EPA currently uses the CalEPA cancer toxicity values for evaluation of potential carcinogenic risk for TCE. There are no current EPA consensus noncarcinogenic toxicity factors for TCE.

In November 2009, the EPA released a *Draft Toxicological Review of Trichloroethylene: In Support of the Summary Information in the Integrated Risk Information System (IRIS)* (EPA, 2009a). The draft document was prepared by the National Center for Environmental Assessment within the EPA's Office of Research and Development (ORD). This document provides background information and justification for an IRIS summary of hazard and dose-response assessment of TCE. It proposes reference dose (RfD) and reference concentration (RfC) values for evaluation of non-cancer hazards, and an oral slope factor (SF) and an inhalation unit risk (IUR) for assessment of cancer risks.

External review by the Science Advisory Board is nearly complete and initial comments by the Board are largely favorable toward the assessment. Final revisions with subsequent posting of toxicity criteria to IRIS are expected in 2011. Table 7-2 provides a comparison of the proposed TCE toxicity factors with previously promulgated toxicity factors for TCE.

Table 7-2
Comparison of TCE Toxicity Factors
Intel Santa Clara III (SC3), Santa Clara, CA

Toxicity Factors	Unit	CalEPA ^a	IRIS 2009 ^b
			(external draft)
Inhalation Reference Concentration (RfC)	µg/m ³	600	5
Oral Reference Dose (RfD)	mg/kg/day	NA	4×10 ⁻⁴
Inhalation Unit Risk (IUR)	(µg/m ³) ⁻¹	2×10 ⁻⁶	4×10 ⁻⁶
Oral Slope Factor (SF)	(mg/kg/day) ⁻¹	5.9×10 ⁻³	5×10 ⁻²

Notes: NA – not available
 µg/m³ – micrograms per cubic meter
 mg/kg/day – milligrams per kilogram per day
 Source: a – CalEPA, 2011a.
 b – EPA, 2009a.

The implication of these new toxicity criteria would be an increase in carcinogenic risk estimates associated with exposure to TCE of 2 to 10 times, depending on exposure scenarios.

EPA has listed TCE as one of a group of 16 VOCs, which will be considered for developing a new MCL in potentially four to five years. Proposed toxicity criteria suggest that the current MCL of 5 µg/L is associated with a cancer risk of less than 10⁻⁵. Judged against other criteria for establishing MCLs, this level of risk may continue to be considered acceptable. Note that if the TCE MCL was based strictly on a cancer risk target of 10⁻⁶, a MCL for TCE would be 0.6 µg/L. This value

represents a decrease of almost an order of magnitude from the current MCL of 5 µg/L.

- **Cis-1,2-DCE** - EPA's IRIS database indicates that toxicity criteria for cis-1,2-DCE were last revised in September 2010. Although the decrease in the oral RfD from 1E-02 to 2E-03 mg/kg/day would result in a 5-fold increase of the associated hazard quotient for this chemical, it would not change the significance of the hazard index calculated for the Site in the 1990 ROD.
- **1,1-DCE** - EPA's IRIS database indicates that toxicity criteria for 1,1-DCE have not been revised since 2002. The CalEPA OEHHA online toxicity database does not list toxicity criteria for 1,1-DCE. However, OEHHA does provide a chronic reference exposure level for inhalation exposure (CalEPA, 2011b).

It should be noted that in the 1990 ROD risk assessment, Water Board staff made a risk management decision to not include 1,1-DCE in the risk calculation for the cleanup standards for the following reasons: 1) 1,1-DCE was detected above MCL of 6 µg/L only 5 times out of 450 analyses (1 percent frequency); 2) it had not been detected above detection limits (ranging from 0.1 to 5 µg/L) in monitoring extraction wells for two years prior to the 1990 risk analyses; and 3) its high inhalation cancer potency factor would drive the cleanup standards unnecessarily below MCLs.

- **Freon 113** - EPA's IRIS database indicates that toxicity criteria for Freon 113 have not been revised since 1996. The current oral RfD for Freon 113 is the same as was used in the 1990 ROD risk assessment. Therefore, the toxicity criteria of this chemical will not result in any changes to the results of the risk assessment.

Changes in Risk Assessment Methods

Recent developments in human health risk analysis recommend the consideration of a couple of exposure issues that were not evaluated in the previous risk analyses for the Site - early-life exposure to carcinogens and breastfeeding. Although residential exposure is not an issue at this site, a nursing mother could be exposed in the workplace. However, the breastfeeding pathway is commonly a pathway of concern for bioaccumulating chemicals such as polychlorinated biphenyls, which are not contaminants of concern at the Site. OEHHA has published a few chronic reference doses specifically for children; however, the list is small and does not include the primary contaminants of concern at the Site. In addition, as mentioned above, the Site is currently used for light industrial/commercial purposes and is not planned for residential use. In fact, a deed restriction on the site prohibits residential and certain other sensitive land uses at the Site. As such, although these are emerging issues in the field of risk assessment, they are not expected to affect the risk management decisions made at the Site based on the previous 1990 risk analysis.

In January 2009, EPA released the Supplemental Guidance for Inhalation Risk Assessment or Part F of Volume I of Risk Assessment Guidance for Superfund, Human Health Evaluation Manual (RAGS Part F) (EPA, 2009b). This document primarily discussed the use of RfCs and IURs to generate inhalation risk estimates

using a concentration-based approach. Although this guidance changes the calculation method for inhalation risk, it would not significantly change the risk results. In addition, the RAGS Part F calculation method was used in the development of the RSLs that were used for evaluation of the indoor air concentrations in Table 7-1. As such, the conclusions from this comparison remain valid.

Expected Progress Towards Meeting RAOs

The remedy of MNA and ICs is progressing as expected, as the objective to restore the groundwater to its beneficial uses by reducing the contamination levels to below MCLs has almost been attained.

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

No new human or ecological receptors were noted during the Site inspection. No weather-related events have affected the protectiveness of the remedy. There is no other information that calls into question the protectiveness of the remedy.

Section 8

Issues

No issues were identified during this Five-Year Review.

Section 9

Recommendations and Follow-up Actions

Since no issues were identified during this Fourth Five-Year Review report, there are no recommendations or follow-up actions pertaining to this site for this Five-Year Review.

Section 10

Protectiveness Statement

The remedy at the Site currently protects human health and the environment. The groundwater contamination has been reduced below drinking water standards (MCLs) in all but a very limited area, and the remedy is expected to achieve drinking water standards site-wide and be protective in the long-term. Any groundwater exposure pathway that could result in unacceptable risks is currently being controlled through the use of a land use covenant that restricts soil excavation and property development and prohibits the drilling of groundwater wells.

Section 11

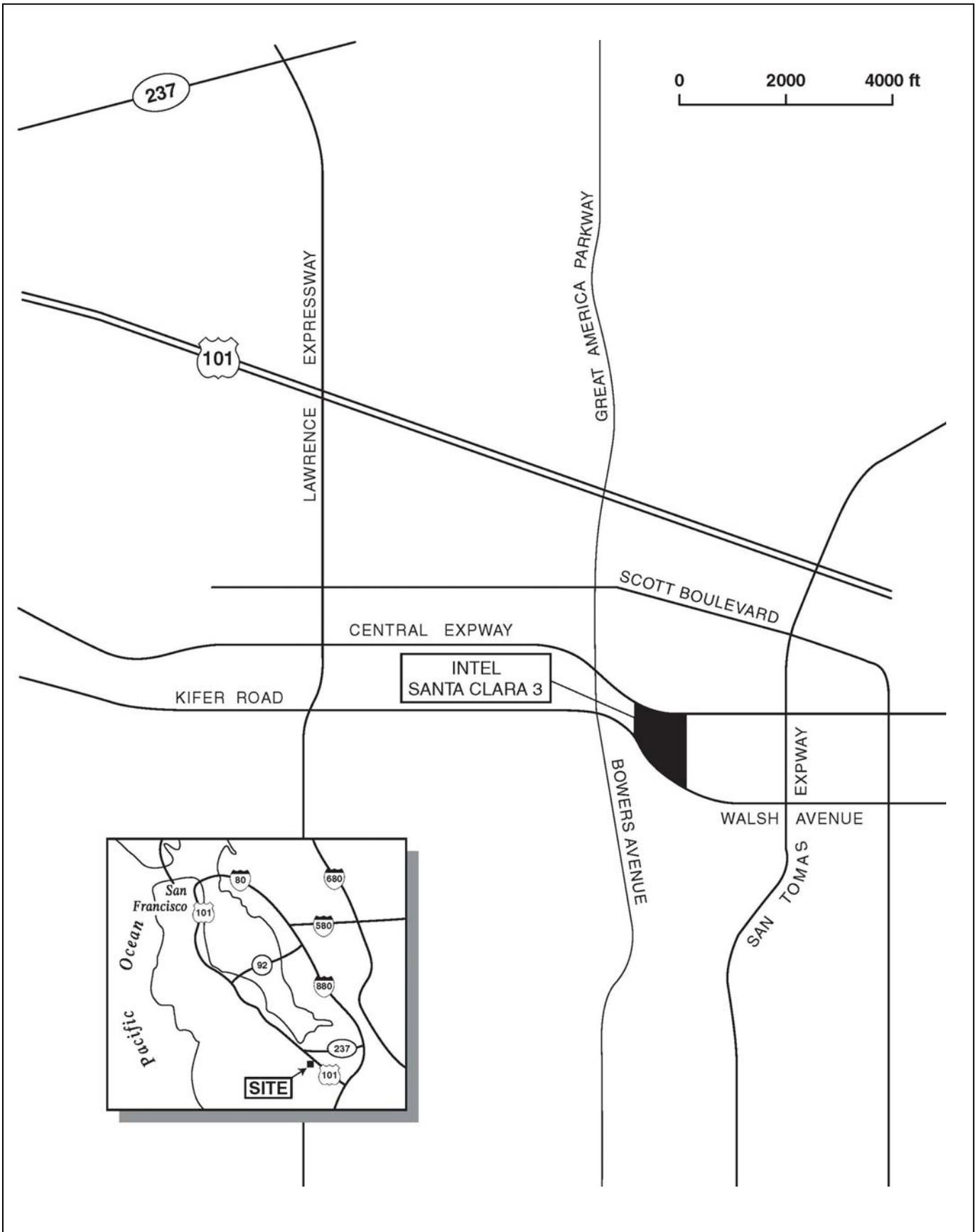
Next Review

The Intel SC3 Site will continue to have Five-Year Reviews in the future until the residual contamination in the groundwater at the Site achieves the clean-up standard. The next Five-Year Review will be conducted in 2016.

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Figures

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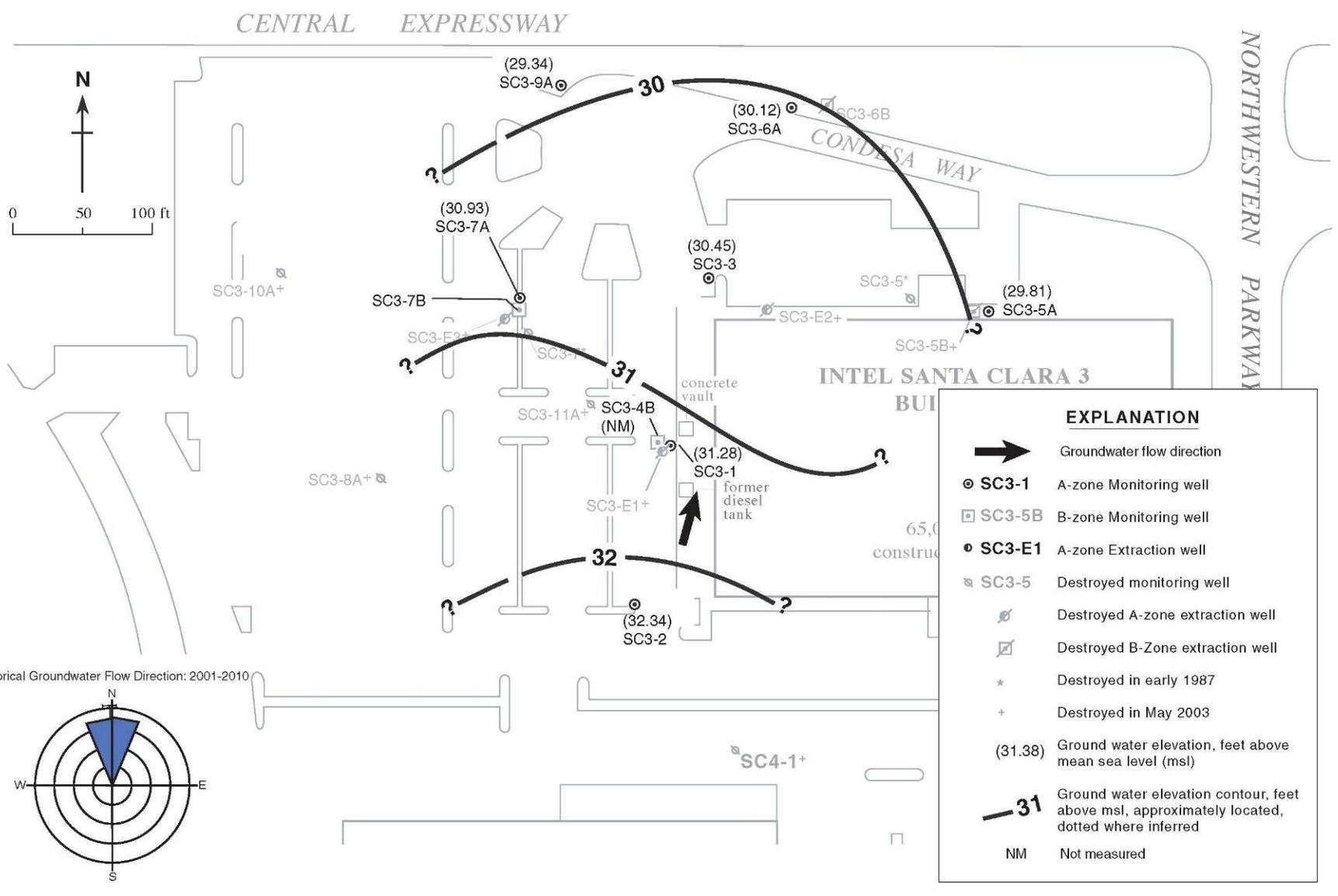
Source: Stellar Environmental Solutions, Inc.
 Geoscience & Engineering Consulting
 (October 2007)

Intel Santa Clara III
Santa Clara, California



Site Location Map

Figure 1



EXPLANATION	
	Groundwater flow direction
	SC3-1 A-zone Monitoring well
	SC3-5B B-zone Monitoring well
	SC3-E1 A-zone Extraction well
	SC3-5 Destroyed monitoring well
	Destroyed A-zone extraction well
	Destroyed B-Zone extraction well
*	Destroyed in early 1987
+	Destroyed in May 2003
(31.38)	Ground water elevation, feet above mean sea level (msl)
-31	Ground water elevation contour, feet above msl, approximately located, dotted where inferred
NM	Not measured

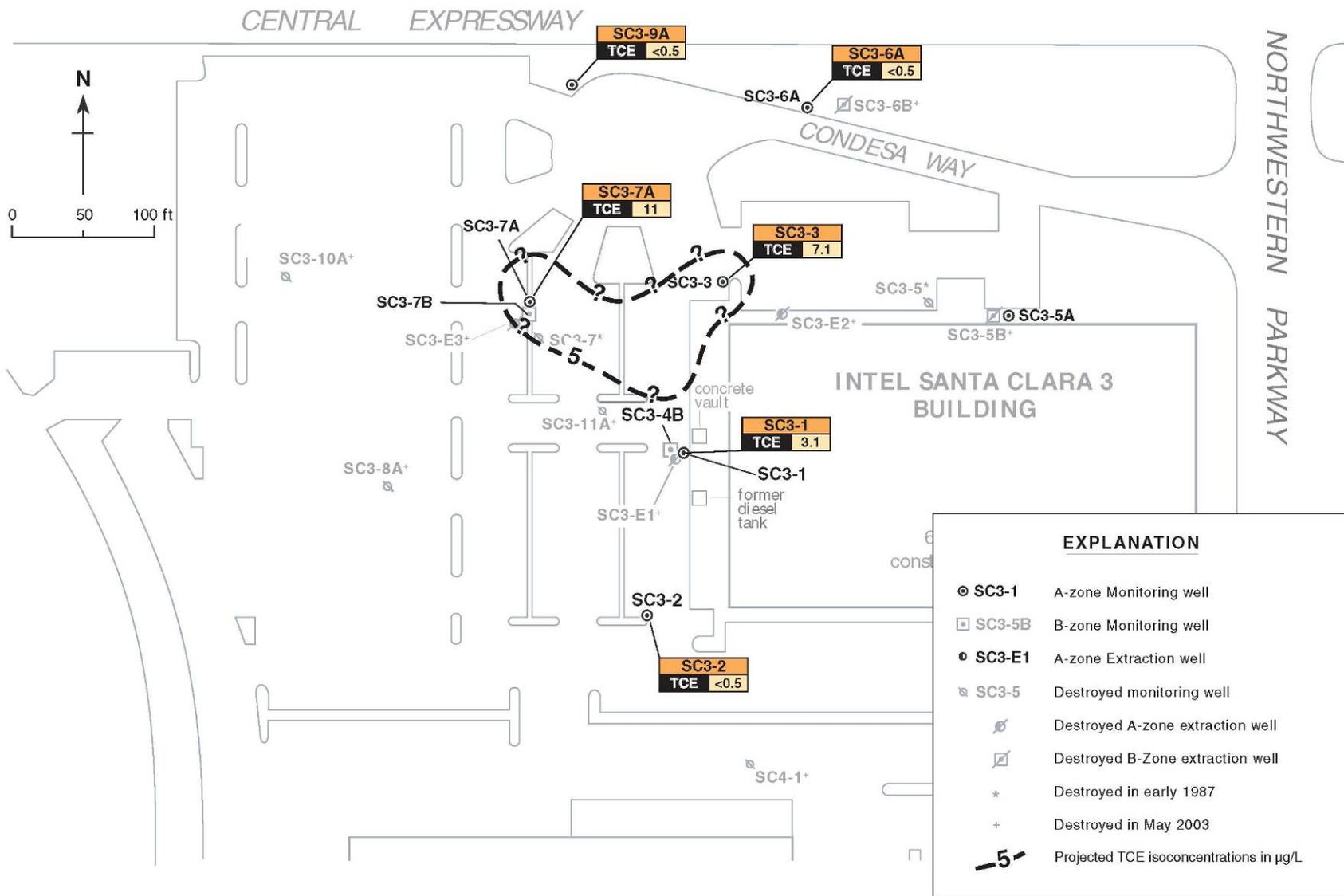
Source: Stellar Environmental Solutions, Inc.
 Geoscience & Engineering Consulting (May 2010)

**Intel Santa Clara III
 Santa Clara, California**

**Potentiometric Surface of the
 A Water-Bearing Zone (April 19, 2010)**



Figure 3



EXPLANATION	
⊙ SC3-1	A-zone Monitoring well
⊠ SC3-5B	B-zone Monitoring well
⦿ SC3-E1	A-zone Extraction well
⊗ SC3-5	Destroyed monitoring well
⦿	Destroyed A-zone extraction well
⊠	Destroyed B-Zone extraction well
*	Destroyed in early 1987
+	Destroyed in May 2003
-5-	Projected TCE isoconcentrations in µg/L

Source materials: Weiss Associates

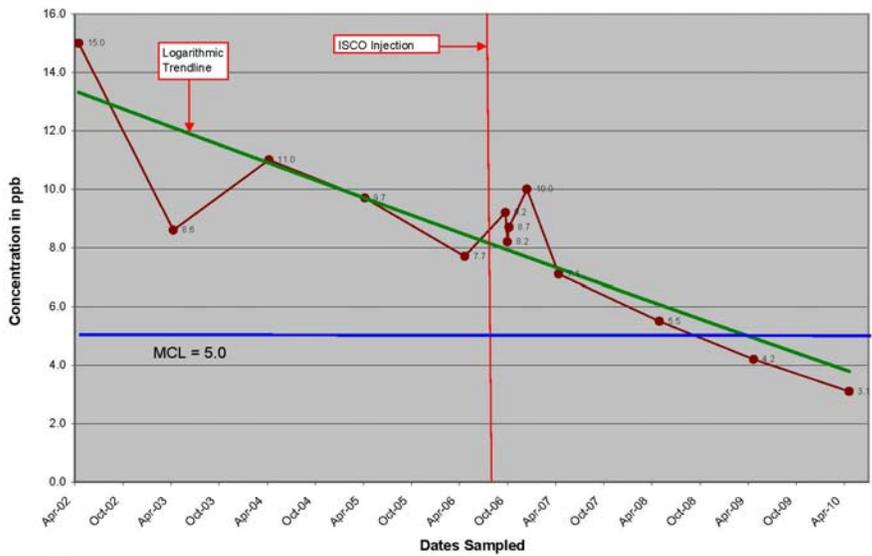
Source: Stellar Environmental Solutions, Inc.
Geoscience & Engineering Consulting (May 2010)

**Intel Santa Clara III
Santa Clara, California**

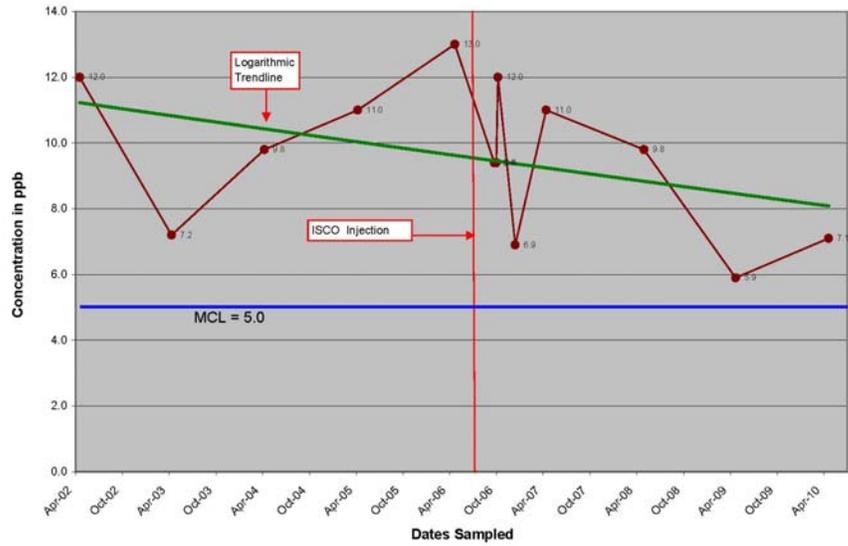
**Distribution of TCE in the
A Water-Bearing Zone (April 19, 2010)**



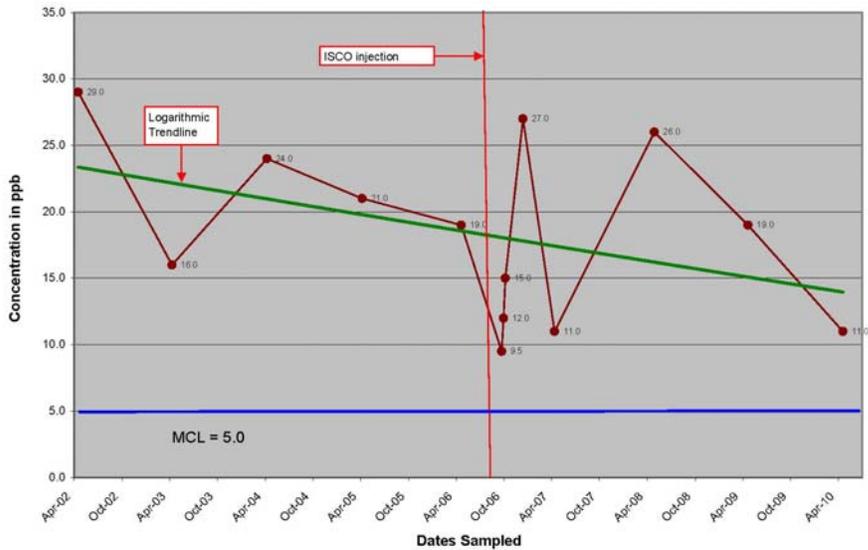
Figure 4



TCE Concentrations in Intel Well
SC3-1
April 2002 – April 2010
Santa Clara, California



TCE Concentrations in Intel Well
SC3-3
April 2002 – April 2010
Santa Clara, California

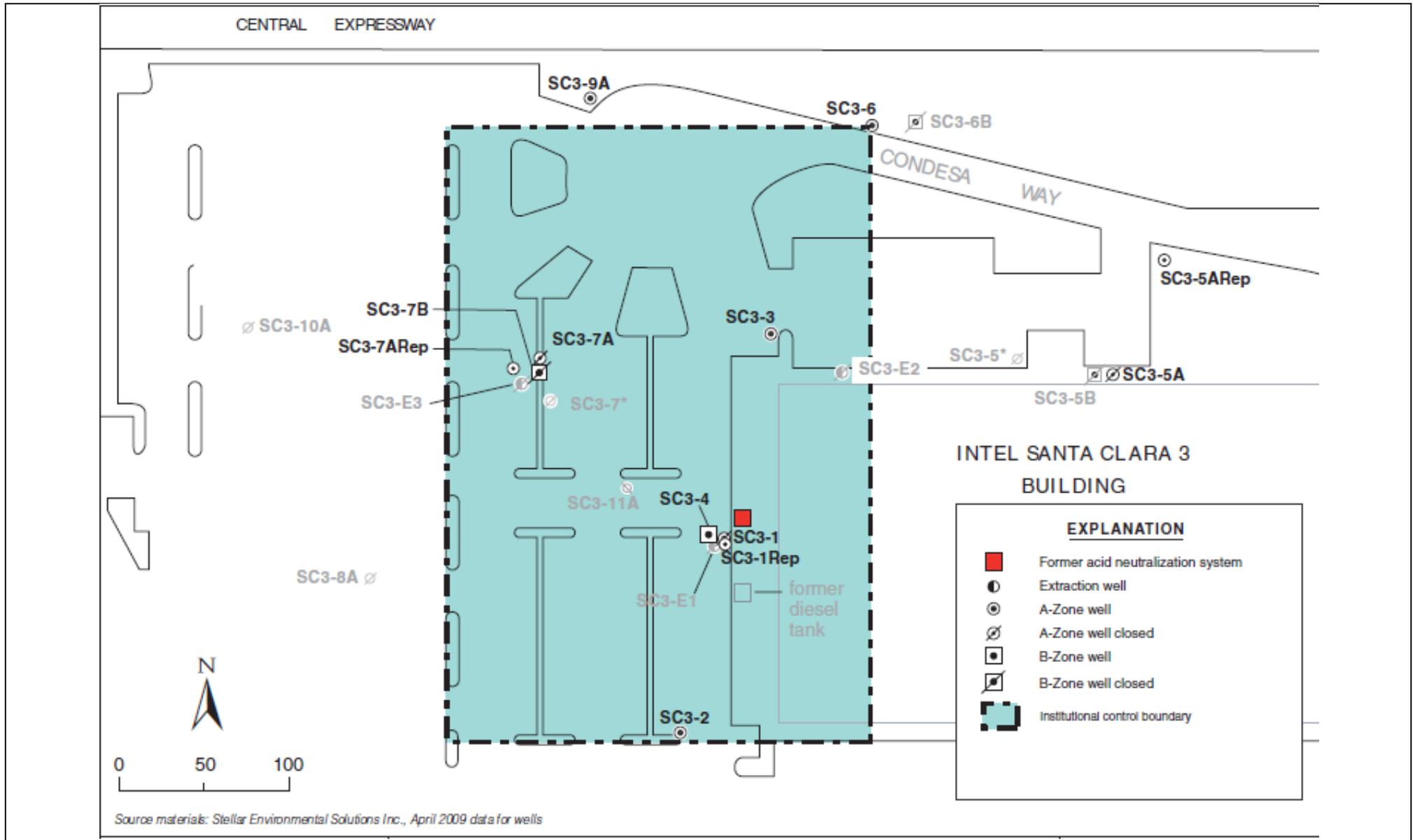


TCE Concentrations in Intel Well
SC3-7A
April 2002 – April 2010
Santa Clara, California

Source: Stellar Environmental Solutions, Inc.
Geoscience & Engineering Consulting
(May 2010)

**Intel Santa Clara III
Santa Clara, California**





Source: Stellar Environmental Solutions, Inc.
 Geoscience & Engineering Consulting (January 2011)

**Intel Santa Clara III
 Santa Clara, California**

**Monitoring Well Closures and Replacements
 (October 2010)**



Figure 6

References

- California Department of Public Health. 2010. *Table of MCLs, DLRs, and PHGs for Regulated Drinking Water Contaminants*. Last updated April 14, 2010.
- California Environmental Protection Agency (CalEPA). 2011a. Online Toxicity Database - <http://www.oehha.ca.gov/risk/ChemicalDB/index.asp>, accessed March 2011.
- California Environmental Protection Agency (CalEPA). 2011b. Online Table of OEHHA Acute, 8-hour and Chronic Reference Exposure Level (REL) Summary. <http://www.oehha.ca.gov/air/allrels.html>
- Environmental Data Resources, Inc. (EDR). 2011. *EDR Environmental Lien Report, Intel SC3, 2880 Northwestern Parkway, Santa Clara, CA 95051, Inquiry Number: 2970834.1*. March 15.
- North and South Parcels . June 8.Santa Clara Valley Water District (SCVWD). 2010. *Santa Clara Valley Water District Budget in Brief Fiscal Year (FY) 2010-2011*.
- Stellar Environmental Solutions (SES). 2006a. *Focused Feasibility Study Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. May 18.
- SES. 2006b. *Year 2006 Annual Groundwater Monitoring Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. May 18.
- SES. 2006c. *Chemical Oxidation Implementation Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. December 29.
- SES. 2007. *Year 2007 Annual Groundwater Monitoring Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. June 7.
- SES. 2008. *Year 2008 Annual Groundwater Monitoring Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. May 15.
- SES. 2009. *Year 2009 Annual Groundwater Monitoring Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. May 20.
- SES. 2010a. *Indoor Air Survey Letter of Findings, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. March 7.
- SES. 2010b. *Technical Memo for Natural Attenuation Remedy Consideration, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. March.
- SES. 2010c. *Year 2010 Annual Groundwater Monitoring Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. May 10.

- SES. 2011. *Completion of the Decommissioning of the Existing Monitoring Wells SC3-1 and SC3-5A at the Former Intel SC3 Facility following the Installation of Replacement Monitoring Wells SC3-1Rep and SC3-5ARep*. January 10.
- United States Environmental Protection Agency (EPA). 1990. *Record of Decision; Intel Santa Clara III Superfund Site*. September 20.
- EPA. 1995. *First Five-Year Review for Intel Santa Clara 3*. November 6.
- EPA. 2001a. *Comprehensive Five-Year Review Guidance, EPA 540-R-01-007*. June.
- EPA. 2001b. *Second Five-Year Review Report for the Intel Santa Clara III Superfund Site, Santa Clara, California*. August 15.
- EPA. 2006. *Third Five-Year Review Report for the Intel Santa Clara III Superfund Site, Santa Clara, California*. August 15.
- EPA Office of Research and Development (ORD), National Center for Environmental Assessment. 2009a. *Draft Toxicological Review of Trichloroethylene: In Support of the Summary Information in the Integrated Risk Information System (IRIS)*. November.
- EPA. 2009b. *Supplemental Guidance for Inhalation Risk Assessment or Part F of Volume I of Risk Assessment Guidance for Superfund, Human Health Evaluation Manual (RAGS Part F)*. January.
- EPA. 2010a. *Record of Decision Amendment for the Intel Santa Clara 3 Superfund Site, Santa Clara, California*. September 7.
- EPA. 2010b. Regional Screening Levels (RSLs) - <http://www.epa.gov/sfund/prgs>, accessed February 28, 2011.
- EPA. 2011a. Online Integrated Risk Information System (IRIS) - <http://www.epa.gov/iris/>, accessed February 28, 2011.
- EPA. 2011b. Personal communication between Rachelle Thompson (EPA) and Richard Makdisi (SES) regarding SC3 Five-Year Review Expenditures (2006 through 2010). February 2.

Appendix A

**Copy of Environmental Data Report with Covenant
and Environmental Restriction**

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Intel SC3

2880 Northwestern Parkway
Santa Clara, CA 95051

Inquiry Number: 2970834.1
March 15, 2011

The EDR Environmental LienSearch™ Report

The EDR Environmental LienSearch™ Report

The EDR Environmental LienSearch Report provides results from a search of available current land title records for environmental cleanup liens and other activity and use limitations, such as engineering controls and institutional controls.

A network of professional, trained researchers, following established procedures, uses client supplied address information to:

- search for parcel information and/or legal description;
- search for ownership information;
- research official land title documents recorded at jurisdictional agencies such as recorders' offices, registries of deeds, county clerks' offices, etc.;
- access a copy of the deed;
- search for environmental encumbering instrument(s) associated with the deed;
- provide a copy of any environmental encumbrance(s) based upon a review of key words in the instrument(s) (title, parties involved, and description); and
- provide a copy of the deed or cite documents reviewed.

Thank you for your business.

Please contact EDR at 1-800-352-0050
with any questions or comments.

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The EDR Environmental LienSearch™ Report

TARGET PROPERTY INFORMATION

ADDRESS

2880 Northwestern Parkway
Intel SC3
Santa Clara, CA 95051

RESEARCH SOURCE

Source 1:

Santa ClaraRecorder
Santa Clara, CA

PROPERTY INFORMATION

Deed 1:

Type of Deed: deed
Title is vested in: Siren Data SC-3 LLC
Title received from: Intel Corp
Deed Dated: 4/2/2010
Deed Recorded: 4/14/2010
Book: NA
Page: na
Volume: na
Instrument: na
Docket: NA
Land Record Comments: See Exhibit
Miscellaneous Comments: na

Legal Description: See Exhibit

Legal Current Owner: Siren Data SC-3 LLC

Property Identifiers: 216-28-118

Comments: See Exhibit

ENVIRONMENTAL LIEN

Environmental Lien: Found Not Found

OTHER ACTIVITY AND USE LIMITATIONS (AULs)

AUL's Found Not Found

Deed Exhibit 1

RECORDING REQUESTED BY:

Chicago Title Company - *CTI*
Escrow No.: 10-98205427-TM
Locate No.: CACTI7743-7743-2982-0098205427
Title No.: 10-98205427-MC

**WHEN RECORDED MAIL DOCUMENT
AND TAX STATEMENT TO:**

Siren Data SC-3, LLC
2775 Sand Hill Road
Menlo Park, CA 94025

DOCUMENT: 120676846

Pages: 17



Fees . . . 73.00
Taxes . . . ** Conf **
Copies . . .
AMT PAID 73.00

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

RDE # 012
4/14/2010
8:00 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 216-28-118

GRANT DEED

**FILOR REQUESTS DO NOT RECORD STAMP VALUE
PURSUANT TO TAXATION CODE 11932-11933**

20-20-520-82-414

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

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Gregory B. Caligari, Esq.
Cox, Castle & Nicholson LLP
555 California Street, 10th Floor
San Francisco, CA 94104

MAIL TAX STATEMENTS TO:

Siren Data SC-3, LLC
2775 Sand Hill Road
Menlo Park, CA 94025
Attn: Karen King

Space Above This Line Reserved For Recorder's Use

APN: 216-28-118
The undersigned grantor declares:
Documentary Transfer Tax not shown pursuant to Section 11932
of the Revenue and Taxation Code, as amended.

**FILOR REQUESTS
DO NOT RECORD STAMP VALUE**

GRANT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, INTEL CORPORATION, a Delaware corporation ("Grantor"), does hereby GRANT to SIREN DATA SC-3, LLC, a Delaware limited liability company ("Grantee"), all of that certain real property in the City of Santa Clara, County of Santa Clara, State of California, as more particularly described in Exhibit A attached hereto and made a part hereof, and all improvements thereon and all privileges, easements, tenements and appurtenance thereon or in any way appertaining to such real property and improvements (collectively, the "Property").

THIS PROPERTY IS CONVEYED TO GRANTEE SUBJECT TO:

Those items set forth in Exhibit B attached hereto and made a part hereof.

Without limiting the foregoing, Grantee expressly acknowledges and agrees that this grant of interest in real property is expressly made subject to:

1. That certain in Covenant and Agreement to Restrict Use Of Property dated April 1, 1991 and recorded on September 11, 1991 in the Official Records of the county of Santa Clara, State of California as document No. 11052757, which Covenant and Agreement imposes certain covenants, conditions, and restrictions on usage of groundwater underlying the real property described herein. The provisions of the Covenant and Agreement are incorporated herein and made a part hereof as if set forth in full. The only persons who have the right to enforce the Covenant and Agreement are the California Regional Water Quality Control Board, San Francisco Bay Region.

2. That certain Covenant and Environmental Restriction On Property dated January 9, 2008 and recorded in the Official Records of Santa Clara County on January 29, 2008 as Document No. 19723940 (the "Covenant and Environmental Restriction"). By acceptance of this grant deed, Grantee acknowledges that the Covenant and Environmental Restriction includes, among other things, the following protective provisions, covenants, conditions and restrictions in Article III thereof which provides, verbatim, as follows:

"ARTICLE III
DEVELOPMENT, USE AND CONVEYANCE OF THE BURDENED PROPERTY

3.1 Restrictions on Development and Use. Covenantor promises to restrict the use of the Burdened Property as follows:

- a. No residence for human habitation shall be permitted on the Burdened Property;
- b. No hospitals shall be permitted on the Burdened Property;
- c. No schools for persons under 21 years of age shall be permitted on the Burdened Property;
- d. No day care centers for children or day care centers for senior citizens shall be permitted on the Burdened Property;
- e. No Owners or Occupants of the Burdened Property or any portion thereof shall conduct any excavation work at depths of greater than 3 feet below ground surface on the Property, unless expressly permitted in writing by the Board, except when necessary to address an emergency or to repair any Improvements. Any contaminated soils at depths greater than 3 feet below ground surface brought to the surface by grading, excavation, trenching, or backfilling shall be managed by the Owner or its agent or the Occupant or its agent in accordance with all applicable provisions of local, state and federal law. If the excavation work resulted from an emergency, the Owner or Occupant shall notify the Board by registered mail within ten (10) business days of both the commencement date of such excavation and after the date of completion;
- f. All uses and development of the Burdened Property shall be consistent with any applicable Board Order or Risk Management Plan, each of which is hereby incorporated by reference including future amendments thereto. All uses and development shall preserve the integrity of any cap, any remedial measures taken or remedial equipment installed, and any groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the Board, unless otherwise expressly permitted in writing by the Board.
- g. No Owners or Occupants of the Burdened Property or any portion thereof shall drill, bore, otherwise construct, or use a well for the purpose of extracting water for any use, including but not limited to, domestic, potable, or industrial uses, unless expressly permitted in writing by the Board.

i. Covenantor agrees that the Board, and/or any persons acting pursuant to Board orders, shall have reasonable access to the Burdened Property for the purpose of inspection, surveillance, maintenance, or monitoring, as provided for in Division 7 of the Water Code.

j. No Owner or Occupant of the Burdened Property shall act in any manner that will aggravate or contribute to the existing environmental conditions of the Burdened Property. All use and development of the Burdened Property shall preserve the integrity of any capped areas.

3.2 Enforcement. Failure of an Owner or Occupant to comply with any of the restrictions, as set forth in Paragraph 3.1 above, shall be grounds for the Board, by reason of this Covenant, to have the authority to require that the Owner modify or remove any Improvements constructed in violation of that paragraph. Violation of the Covenant shall be grounds for the Board to file civil actions against the Owner as provided by law.

3.3 Notice in Agreements. After the date of recordation hereof, all Owners and Occupants shall execute a written instrument which shall accompany all purchase agreements or leases relating to the property. Any such instrument shall contain the following information:

The land described herein contains hazardous materials in soils and in the ground water under the property, and is subject to a Covenants and Environmental Restrictions on Property dated as of January 9, 2008, and recorded on January 29, 2008, in the Official Records of Santa Clara County, California, as Document No. 19723940, which Covenants and Environmental Restrictions imposes certain covenants, conditions, and restrictions on usage of the Property described herein. This statement is not a declaration that a hazard exists.

3.4 Conveyance of Property. The Owner shall provide notice to the Board and to U.S. EPA not later than thirty (30) days after any conveyance of any ownership interest in the Property (excluding mortgages, liens, and other non-possessory encumbrances). The Board and U.S. EPA shall not, by reason of this Covenant, have authority to approve, disapprove, or otherwise affect proposed conveyance, except as otherwise provided by law, by administrative order, or by a specific provision of this Covenant.”

[Signature Page To Follow]

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on this 2nd day of April, 2010.

“GRANTOR”

CORP. R.E. OK	
<i>WJ</i>	4/1/10

LEGAL OK	
<i>TWR</i>	4-1-10

Todd W. Rallison

INTEL CORPORATION,
a Delaware corporation

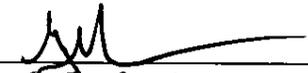
By: *Robert J. Baker*
Name: Robert J. Baker
Title: Sr. V.P. General Manager
Technology and Manufacturing Group

[Grantee Acceptance On Following Page.]

ACCEPTANCE:

IN WITNESS WHEREOF, Grantee, SIREN DATA SC-3, LLC, a Delaware limited liability company, hereby accepts and approves this Deed for itself, its successors and assigns, and agrees to all the terms and conditions contained therein and has caused these presents to be executed on this 6th day of April, 2010.

SIREN DATA SC-3, LLC, a Delaware limited liability company

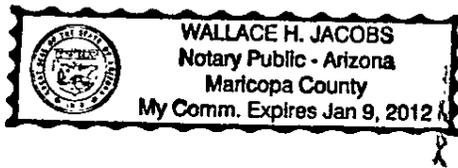
By: 
Name: Alex Mungre
Its: President

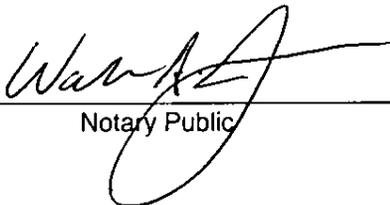
STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On April 2, 2010, before me, Wallace H. Jacobs, Notary Public personally appeared Robert J. Baker, 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.

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

WITNESS my hand and official seal.





Notary Public

State of California
County of _____

On _____ before me, (here insert name and title of the officer), personally appeared _____

_____, 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.

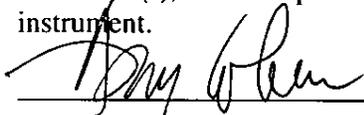
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

STATE OF NEW YORK)
)
COUNTY OF QUEENS) ss

On the 5TH day of APRIL in the year 2010 before me, the undersigned, personally appeared GREG MOMPRE, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(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 capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public

Printed Name: AMY COHEN

My Commission Expires:
11/06/2010

AMY COHEN
Notary Public, State of New York
No. 01CO6050609
Qualified in Queens County
Commission Expires 11/06/2010

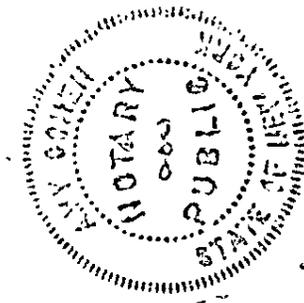


Exhibit A to Grant Deed

Legal Description

THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SANTA CLARA,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

ALL OF PARCEL F, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL
MAP LANDS OF INTEL CORPORATION", WHICH MAP WAS FILED FOR RECORD IN
THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF
CALIFORNIA, ON FEBRUARY 27, 1981 IN BOOK 480 OF MAPS, AT PAGE 27.

Exhibit B To Grant Deed
Permitted Exceptions

SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. **Property taxes**, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2010-2011.
2. The herein described property lies within the boundaries of a Mello-Roos Community Facilities District ("CFD"), as follows:

CFD No.: 1
 For: Santa Clara Unified School District
 Disclosed By:: Map of Proposed Boundaries
 Recorded: June 10, 2008, Instrument No. 19881219, Book 43, Page 38, of Official Records

This property, along with all other parcels in the CFD, is liable for an annual special tax. This special tax is included with and payable with the general property taxes of the City of Santa Clara, County of Santa Clara. The tax may not be prepaid.

Further information may be obtained by contacting:

There will be no amounts due for 2009/2010 Tax Year.

3. The lien of supplemental taxes, if any, assessed as a result of the transfer of title to the vestee named in Schedule A; or as a result of changes in ownership, new construction or other events occurring on or after the date of the policy, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.
4. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: City of Santa Clara, A Municipal Corporation
 Purpose: Pole line
 Recorded: August 13, 1962, Book 5681, Page 461, of Official Records
 Affects: A portion of premises described as follows:

Being a portion of the land conveyed to Bracher, Et Al, as Parcel Three in that Deed filed for record in the Office of the County Recorder, Santa Clara County, California, in Book 4275 of Official Records, at Page 666 therein.

Beginning at the point of intersection of the Southerly line of Kifer Road (55 feet wide) with the Westerly line of said Parcel of Land conveyed to Bracher, said Westerly line being coincident with the centerline of Saratoga Creek at this Point.

Thence Easterly along the said Southerly line of Kifer Road 2308 feet, more or less, to the point of Intersection with the centerline of San Tomas Aquino Creek; thence Southerly along the said centerline of San Tomas Aquino Creek to the Point of Intersection with a line parallel to and distant 14.50 feet at right angles from the said Southerly line of Kifer Road; thence Westerly along last said parallel line 2308 feet, more or less, to the Point of Intersection with the said Westerly line of land conveyed to Bracher, Et Al; thence Northerly along last said Westerly line to the Point of Beginning and containing 0.768 Acres of Land, more or less.

5. The fact that the ownership of said land does not include rights of access to or from the street, highway, or freeway abutting said land, such rights having been relinquished by unrecorded Resolution of the Santa Clara County Board of Supervisors adopted January 14, 1963, as disclosed by that certain Parcel Map filed for record on February 27, 1981 in Book 480 of Maps, page 27, Official Records.

Affects: Along the Northerly boundary (Central Expressway)

6. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: City of Santa Clara, A Municipal Corporation
 Purpose: Sanitary sewer lines and incidents thereto
 Recorded: May 3, 1971, Book 9313, Page 621, of Official Records
 Affects: 5 feet strip across a Northerly portion of said land

7. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: City of Santa Clara, A Municipal Corporation
 Purpose: Installing, maintaining, repairing and replacing underground electrical systems
 Recorded: March 13, 1975, Book 8317, Page 97, of Official Records
 Affects: The Easterly 10 feet and a Northeasterly portion of Said Land

- 8. A matter affecting the portion of said land for the purposes stated herein, and incidental purposes, shown or dedicated by the Map filed February 27, 1981 in Book 480 of Maps at Page 27

For: General Purpose Easement
 Affects: The Northerly portion of said land

- 9. **Covenants, conditions and restrictions** in the declaration of restrictions but omitting any covenant or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

Recorded: September 11, 1991, Book L854, Page 0764, of Official Records

Said covenants, conditions and restrictions provide that a violation thereof shall not defeat the lien of any mortgage or deed of trust made in good faith and for value.

- 10. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: City of Santa Clara, California, a chartered municipal corporation
 Purpose: Constructing and reconstructing, installing, operating, maintaining, repairing, and/or replacing underground electrical distribution and/or communication systems, and appurtenances thereto
 Recorded: February 17, 1995, Instrument No. 12809448, Book N764, Page 0509, of Official Records
 Affects: As follows:

The Northerly 20 feet of the Southerly 64.36 feet of the Westerly 10 feet of the Easterly 20 feet of that certain Parcel F as shown on that certain Parcel Map filed for record in Book 480 of Maps at Page 27, Santa Clara County Records

- 11. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: City of Santa Clara, California, a chartered municipal corporation
 Purpose: An Easement and Right-of-Way for the purposes of constructing and reconstructing, installing, operating, maintaining, repairing, and/or replacing underground electrical distribution and/or communication systems and appurtenances thereto, including a reasonable right of ingress and egress over adjoining lands of Grantor
 Recorded: October 20, 2004, Instrument No. 18056745, of Official Records
 Affects: As follows:

A portion of Parcel 1 as shown on that Parcel Map filed for record in Book 394 of Maps, at Page 27, Santa Clara County Records, and being more particularly described as follows:

Commencing at the intersection of the easterly line of Walsh Avenue as shown on said maps, and the northerly line of that 10-foot wide underground electric easement within said Parcel 1 and dedicated by said Parcel Map recorded in Book 394 of Maps, at Page 27;

Thence, from said Point of Commencement, along said northerly line, South 89°05'55" East, 28.00 feet to the True Point of Beginning;

Thence from said True Point of Beginning, leaving said northerly line, North 00°54'05" East, 152.50 feet;

Thence, South 89°05'55" East, 176.98 feet;

Thence, South 00°54'05" West, 134.50 feet;

Thence, South 89°05'55" East, 87.00 feet;

Thence, South 00°54'05" West, 10.00 feet to the southerly line of said Parcel 'F';

Thence, along said southerly line, South 89°05'55" East, 390.50 feet;

Thence, leaving said southerly line, South 00°54'05" West, 203.60 feet;

Thence, South 89°05'55" East, 21.50 feet to the westerly line of Northwestern Parkway as shown on said maps;

Thence, along said westerly line, South 00°54'05" West, 10.00 feet;

Thence, leaving said westerly line, North 89°05'55" West, 21.50 feet;

Thence, South 00°54'05" West, 297.02 feet;

Thence, South 89°05'55" East, 21.50 feet to the westerly line of Northwestern Parkway;

Thence, along said westerly line, South 00°54'05" West, 38.75 feet to the intersection of said westerly line and a southerly line of said Parcel 1;

Thence, along said southerly line of Parcel 1, North 89°05'55" West, 34.00 feet;

Thence, leaving said southerly line of Parcel 1, North 00°54'05" East, 38.75 feet;

Thence, South 89°05'55" East, 2.50 feet;

Thence, North 00°54'05" East, 500.62 feet;

Thence, North 89°05'55" West, 467.50 feet;

Thence, North 00°54'05" East, 10.00 feet to the southerly line of said Parcel F;

Thence, along last said southerly line, North 89°05'55" West, 10.00 feet to the southwesterly corner of said Parcel F;

Thence, along the westerly line of said Parcel F, North 00°54'05" East, 134.50 feet;

Thence, leaving said westerly line, North 89°05'55" West, 111.98 feet;

Thence, South 00°54'05" West, 48.25 feet;

Thence, North 89°05'55" West, 45.00 feet;

Thence, South 00°54'05" West, 94.25 feet to said northerly line of said existing 10-foot wide underground electric easement;

Thence, along last said northerly line, North 89°05'55" West, 10.00 feet to the True Point of Beginning. And as conveyed by Intel Corporation, a Delaware corporation as successor-in-interest to Intel Corporation, a California corporation, to the City of Santa Clara, California, a chartered municipal corporation, by Instrument recorded October 20, 2004 as Instrument No. 18056745, Official Records.

And as conveyed by Intel Leasing Corporation, a California corporation, to the City of Santa Clara, California, a chartered municipal corporation, by Instrument recorded October 20, 2004 as Instrument No. 18056744, Official Records.

Affects: This and other property

- 12. Matters** contained in that certain document entitled "Covenant and Environmental Restriction of Property" dated January 9, 2008, executed by and between Intel Corporation and California Regional Water Quality Control Board for the San Francisco Bay Region, also for the benefit of the U.S. Environmental Protection Agency recorded January 28, 2008, Instrument No. 19723940, of Official Records, which document, among other things, contains or provides for: Contamination of the burdened property.

Reference is hereby made to said document for full particulars.

Affects: A portion of said property as described therein

- 13. Rights of tenants**, as tenants only, under the terms of the lease listed on Schedule One, attached hereto, with no right of first refusal or option to purchase all or any part of the property or interests therein.

14. Any facts, rights, interests, or claims which may exist or arise by reason of the following facts disclosed by survey, Job No. A10015, dated April 2, 2010 prepared by Kier & Wright Civil Engineers & Surveyors, Inc.:

(A) the fact that overhead electric lines exist along the northerly boundary and also lie outside the 14.5' Pole Line Easement area (5681 OR 461) near the northwesterly portion of said land.

(B) the fact that a fence encroaches onto the Pole Line Easement (5681 OR 461), L.S.E. (9148 OR 270), S.S.E. (9313 OR 621) and U.G.E.E. (B317 OR 97) near northeasterly portion of said land.

(C) the fact that a fence along the easterly boundary blocks driveway access to the G.P.E. recorded in 480 M 27.

(D) the fact that access exists between said land and land adjoining to the south and west.

(E) the fact that overhead pipes encroach onto the easement recorded as 18056745, and also traverse the southerly boundary, near the southwesterly corner of said land.

END OF SCHEDULE B

PROFORMA SCHEDULE "A"

That certain unrecorded lease agreement dated April 14, 2010 by and between:

Lessor: Siren Data SC-3, LLC, a Delaware limited liability company
Lessee: Intel Corporation, a Delaware corporation

ACTIVITY AND USE LIMITATIONS (AULS) EXHIBITS

L 854 PAGE 0764

11052757

FILED FOR RECORD
AT REQUEST OF

GRANTEE

SEP 11 10 41 AM '91

SANTA CLARA COUNTY

REC FEE	27
RMF	25
MICRO	1
RTCF	24
LIEN	
SMPE	
2 PCOR	

Recording Requested By:

Intel Corporation

3065 Bowers Avenue

Santa Clara, CA 95052-2508

CALIFORNIA REGIONAL WATER

MAY 15 1991

QUALITY CONTROL BOARD

When Recorded, Mail To:

California Regional Water Quality Control Board

San Francisco Bay Region

2101 Webster St, Suite 500

Oakland, CA 94612

COVENANT AND AGREEMENT

TO RESTRICT USE OF PROPERTY

This Covenant and Agreement ("Covenant") is made as of the 1st day of April, 1991 by, Intel Corporation ("Covenantor"), which is the owner of record of certain property situated in the city of Santa Clara, County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference ("the Property") for the benefit of the Property

L 854 PAGE 0765

and the California Regional Water Quality Control Board, San Francisco Bay Region (the "Regional Board"), with reference to the following facts:

- A. The Property is located at: 2880 Northwestern Parkway, Santa Clara, CA 95052-8122, and is commonly referred as SC3.
- B. The site is on the National Priorities List (NPL) and is regulated by Regional Board Orders, as indicated herein:
- a. October 15, 1984 Site proposed for the NPL.
 - b. March 19, 1986 Regional Board adopted NPDES Permit No. CA0028941, for the discharge of treated groundwater.
 - c. June, 1986 Site added to the final NPL.
 - d. April 19, 1989 Regional Board adopted Order No. 89-064 issuing Site Cleanup Requirements and approving the Remedial Investigation/Feasibility Study (RI/FS) workplan.
 - e. July 18, 1990 Regional Board adopted Order No. 90-105 issuing final Site

LR54PAGE0766

Cleanup Requirements and
approving the Remedial Action
Plan.

C. 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, the U.S. Environmental Protection Agency and the California Department of Health Services, 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 the federal Comprehensive Environmental Response, Compensation and Liability Act as amended, the California Water Code, Health and Safety Code, and regulations adopted there under.

D. Covenantor installed monitoring wells to define the vertical and horizontal extent of the plume. As of November 1989, the oval shaped plume covers an area approximately 400 feet by 300 feet and the vertical extent of groundwater pollution in the A zone extends to a depth of approximately 27.5 feet from ground surface. Only trace levels of groundwater pollution have been found below this depth. As of November, 1989, Trichloroethylene (TCE), at a

L854PAGE0767

maximum of 140 ppb, is the only pollutant found in the groundwater exceeding drinking water standards.

E. No source of the groundwater pollution has ever been positively identified at the site. While positive identification of a pollution source has not been possible at SC3, by performing evaluations of potential sources, it has been possible to determine that there is no source continuing to contribute pollutants to SC3's existing groundwater pollution.

F. Regional Board Order 90-105 requires Covenantor to implement a deed restriction prohibiting the use of A zone groundwater as a source of drinking water (90-105, Section C.2.b.)

G. Covenantor desires and intends that use of the Property shall be subject to observance of the requirements stated herein.

Now, therefore, Covenantor and the Regional Board declare and agree as follows:

L854PAGE0768

ARTICLE I

DEFINITIONS

1.01 Areas of Investigation. "Areas of Investigation" shall mean those areas on the Property investigated for the presence of chemicals and which will be remediated to the satisfaction of the Regional Board. These are depicted on the map attached as Exhibit B.

1.02 Regional Board. "Regional Board" shall mean the California Regional Water Quality Control Board, San Francisco Bay Region and shall include its successor agencies, if any.

1.03 Ground Water. "Ground Water" shall mean, pursuant to Title 22, California code of Regulations, Section 56079, Water below the land surface in a zone of saturation.

1.04 Production Well. "Production Well(s)" shall mean any well, boring or excavation that allows extraction of ground water from the "A" water bearing zone which zone exists above a depth of approximately 50 feet (approximately 10 feet below mean sea level) below 1989 ground surface.

L854 PAGE 0769

1.05 Improvements. "Improvements" shall mean all buildings, roads, driveways, and paved parking areas, constructed or placed upon the Property.

1.06 Occupants. "Occupants" shall mean those persons entitled by ownership, leasehold, or other legal relationship to the exclusive right to occupy any portion of the property.

1.07 Owner. "Owner" shall mean the Covenantor or its successors in interest, including heirs and assigns, who hold fee simple title to all or any portion of the Property.

1.08 Property. The "Property" consists of the land described in Exhibit A.

ARTICLE II

ESTABLISHMENT OF RESTRICTIONS

2.01 Provisions to Run with the Land. This covenant sets forth and establishes a common scheme and plan for the use, enjoyment, conveyance, development, repair, maintenance and improvement of the Property, and establishes certain

L 854 PAGE 0770

protective provisions, covenants, restrictions, and conditions (collectively referred to as "Restrictions"), upon and subject to which the Property and every portion thereof shall be improved, held, used, occupied, ground leased, sold, hypothecated, encumbered, and conveyed. Each and all of the Restrictions are declared to be in furtherance of a plan established for the purpose of enhancing and protecting the value, desirability and enjoyment of the Property. Each and all of the Restrictions shall run with the land, including any interest in the Property conveyed or reserved, and be for the benefit of and be binding on any interest conveyed or reserved, and all parties having or acquiring any right, title, interest or estate in the Property and any successors in interest thereto. Each and all of the Restrictions are imposed as equitable servitude upon the Property and on any portion thereof, for the benefit of the Property and the Regional Board and shall be enforceable solely by the Regional Board and any successor agency thereto.

2.02 Concurrence of Owners Presumed. All purchasers and ground lessees of the Property or any portion thereof shall be deemed by their purchase, leasing, or possession of all or any portion of the Property, to be in accord with the Restrictions and to agree for and among themselves, their heirs, successors, and assigns, and the agents, employees,

L 854 PAGE 0771

and ground lessees of such owners, heirs, successors, and assigns that the Restrictions shall be adhered to for the benefit of the Regional Board and the future owners and occupants of the Property and that their interest in the Property shall be subject to the Restrictions contained herein.

2.03 Incorporation Into Deeds and Leases. Covenantor covenants that the Restrictions shall be contained in each and all deeds and leases of any portion of the Property in accordance with Sections 1468, 1469, and 1470 of the California Civil Code, provided, however, that the right to enforce the Restrictions shall exist only in the Regional Board. In addition to any express provision required to comply with California Civil Code Section 1468, 1469 and 1470, the following statement shall appear:

This grant of interest in real property is expressly made subject to the certain Covenant and Agreement dated _____, and recorded on _____, in the Official Records of the county of Santa Clara, State of California, as document No. _____, which Covenant and Agreement imposes certain covenants, conditions, and restriction on usage of groundwater underlying the real property described

L 854 PAGE 0772

herein. The provisions of the Covenant and Agreement are incorporated herein and made a part hereof as if set forth in full. The only persons who have the right to enforce the Covenant and Agreement are the California Regional Water Quality Control Board, San Francisco Bay Region.

2.04 Statement Regarding Hazard. Nothing in this Covenant shall be construed as a statement, admission or declaration that any existing or potential health, environmental, or other hazard exists or will exist on the Property or on any portion of it.

ARTICLE III

DEVELOPMENT, USE, AND CONVEYANCE OF THE PROPERTY

3.01 Restrictions on Use. Covenantor promises to restrict the use of the Property as follows:

- (1) No production wells may be drilled on the Property without the express prior written approval of the Regional Board and any other agency with jurisdiction. Monitoring or other test wells are not subject to this provision, including: borings

L854 PAGE 0773

for the purpose of testing soils; excavation for foundations, utilities or similar purposes; wells for monitoring the quality of groundwater; or, borings to define geology.

3.02 Conveyance of Property. Any person acquiring ownership of the Property, or any portion thereof, or entering into a ground lease as lessee of the Property, or any portion thereof, shall provide, within 30 days of any such purchase or ground lease, written notice of the purchase or ground lease to the Regional Board and to Covenantor at the addresses specified in paragraph 5.02. The Regional Board shall not by reason of the Covenant have authority to approve, disapprove, or otherwise affect any sale, lease, or other conveyance of the Property or of any portion of the Property. Notice is required hereunder only for the purpose of maintaining a current record of the Owners and ground lessees of the Property.

3.03 Enforcement. Failure of the Owner or Occupants to comply with any of the requirements, as set forth in paragraph 3.01 shall be grounds for the Regional Board, by reason of the Covenant, to require that the Owner or Occupant modify or remove any Improvements constructed in violation of that paragraph. Violation of the Covenant shall be grounds for the Regional Board to file civil and

L 854 PAGE 0774

criminal actions against the Owner as provided by law. This Covenant shall not create any private right of action against Covenantor or any Owner or Occupant of the Property or any portion thereof.

3.04 Extent of Covenantor's Obligations. Upon conveyance of all or any portion of the Property by deed, ground lease or other appropriate instrument, which conveyance instrument contains the provisions set forth in Paragraph 2.03, Covenantor shall be released from any and all obligations under this Covenant as to that portion of the Property which has been conveyed. At no time shall Covenantor have an obligation of any kind whatsoever to police or to enforce the observance of the covenants and restrictions contained herein by other Owners or Occupants of the Property or any portion thereof.

ARTICLE IV

VARIANCE AND TERMINATION

4.01 Variance. Any Owner or Occupant of the Property or any portion thereof, may apply to the Regional Board for a written variance from the provisions of this Covenant.

L 854 PAGE 0775

4.02 Termination. The Restrictions shall remain in full force and effect until groundwater cleanup standards have been achieved and pollutant levels have been stabilized in onsite aquifers in accordance with Regional Board Order 90-105, and/or subsequent orders. Any Owner or Occupant of the Property or a portion thereof, may apply to the Regional Board for an amendment or termination of the Restrictions as applied to that portion of the Property which is owned or ground leased by the Owner or Occupant. The Restrictions shall remain in full force and effect with respect to the Property and shall run with the land until such time as the Owner of the Property, or any portion thereof, records a release of the Property or a portion thereof from the provisions of the Restrictions. Any such release shall contain a sworn statement that the Owner of the Property to be released has demonstrated, to the written satisfaction of the Regional Board, that the Restrictions are no longer reasonably necessary to protect the public health or safety from any chemicals which may be located on the Property or that portion of the Property to be released from the Restrictions. In addition, any such release shall have attached an acknowledgement by the Regional Board that the statements contained in the release are correct. Any such release shall be effective without the concurrence of any other Owner of any portion of the Property, or any adjacent property.

L854 PAGE 0776

4.03 Term. Unless terminated in accordance with paragraph 4.02 above, by law or otherwise, this Covenant shall continue in effect in perpetuity.

ARTICLE V

MISCELLANEOUS

5.01 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Property or any portion thereof to the general public or for any purposes whatsoever.

5.02 Notices. Whenever any person shall desire to give or serve any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective (i) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served or official of a government agency being served, or (ii) five (5) days after deposit in the mail if mailed by United States mail, postage paid certified, return receipt requested, to Covenantor and the Regional Board at the following addresses or at such other addresses as

L854PAGE0777

Covenantor or the Regional Board may designate in a written notice which shall be addressed and delivered personally or by certified mail to each of the then Owners and Occupants of the Property.

To: Intel Corporation
3065 Bowers Avenue
Santa Clara, CA 95052-2508

COPY To: California Regional Water Quality
Control Board
San Francisco Bay Region
2101 Webster St, Suite 500
Oakland, CA 94612

5.03 Partial Invalidity. If any portion of this Covenant is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion has not been included herein.

5.04 Article Headings. Headings at the beginning of each numbered article of this Covenant are solely for the convenience of the parties and are not intended to aid in the meaning or interpretation of any part of the Covenant.

L 854 PAGE 0778

5.05 Recordation. This instrument shall be executed by Covenantor and by the Executive Officer, Regional Water Quality Control Board, San Francisco Bay Region. This instrument shall be recorded by Covenantor in the County of Santa Clara within ten (10) days of the date of full execution.

5.06 Statement of Compliance. Within twenty (20) days of receipt of a written request from any Owner or Occupant of a Property or any portion thereof, the Regional Board shall provide to such Owner or Occupant a written statement, substantially in the form attached hereto as Exhibit C, indicating whether to the Regional Board's knowledge such Owner or Occupant is operating in compliance with the provisions of this Covenant, and such confirmation shall be conclusive as of the date prepared.

L 854 PAGE 0779

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.

CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD,
SAN FRANCISCO BAY REGION

INTEL CORPORATION

By: *[Signature]*

By: *[Signature]*

Title: *Executive Officer*

Title: *Vice President*

STATE OF California
COUNTY OF Alameda } ss
On this 30th day of July, 1991, before me, the undersigned, a Notary Public in and for said County, personally appeared STAVAN RICHARD RITCHIE

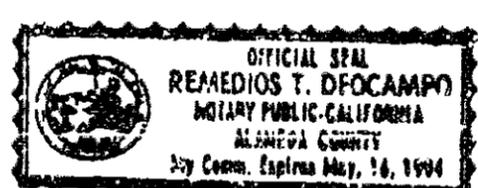
(INDIVIDUAL)

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 executed the same Witness my hand and official seal

Remedios T. Deocampo
Notary Public in and for said County and State

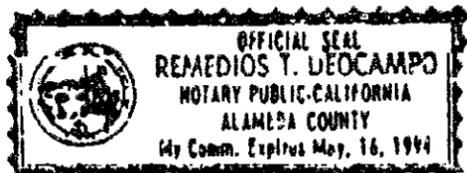
Remedios T. Deocampo

Name (Typed or Printed)



(This area for official notarial seal)

9403 (R2)0712



STATE OF ARIZONA)
)
COUNTY OF Maricopa)

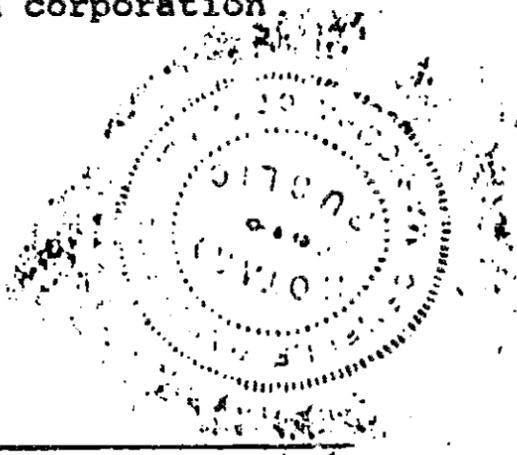
on Aug 13, 1991, before me,
the undersigned, a Notary Public in and for said state,
personally appeared Thomas Hogue, personally
known to me or proved to me on the basis of satisfactory
evidence to be the person who executed the within instrument
as a Vice President
of Intel Corporation, a
Delaware corporation, on behalf of the
corporation, the corporation that executed the within
instrument, and acknowledged to me that such corporation
executed the same.

WITNESS my hand and official seal.

Genelle Pasternak

Notary Public in and for said County and State

My Commission Expires June 2, 1992



L 854 PAGE 0781

EXHIBIT A

SC 3 PROPERTY DESCRIPTION

EXHIBIT A

RECORDER'S MEMO
FAINT WRITING, TYPING, CARBON
COPIES OR DOT MATRIX PRINTERS
MAKE POOR PHOTOGRAPHIC RECORD

VALLEY TITLE COMPANY

22-1488-2

Ca. No. 216-18-65

Code Area 07-059

WASH RECORDS MAIL TO

Intel Corporation
3065 Bowers Avenue
Santa Clara, Calif. 95051

5276736
B 997 232

Books of the Agent of
Valley Title Company

APR 89 1976 8AM

B 997 232

GEORGE A. MANN
RECORDS & RECORDER
State Court Clerk, Santa Clara

MAIL TAX STATEMENT TO

Corporation Grant Deed
INDIVIDUAL

FILED REQUESTS
DO NOT RECORD STAMP VALUE

Same as above.

The undersigned certifies
the fee to be
County Transfer Tax \$
Sentry Fee Value

City Conveyance Tax \$ N/A

WEST BAY INDUSTRIAL CORPORATION, a California corporation

EXEMPTED FROM TAX UNDER STATE LAW

INTEL CORPORATION, a California corporation,

the real property located in the city of Santa Clara,
County of Santa Clara, State of California, described as follows:

EXHIBIT "A"

PARCEL I

Parcel "A" is shown upon "Parcel Map being a Recubdivision of Parcel B of that certain 'Parcel Map' recorded in Book 351 of Maps at page 13", which Map was filed for record in the office of the Recorder of Santa Clara County, on November 21, 1975 in Book 364 of Maps, at page 30.

EXCEPTING THEREFROM that portion of said land dedicated on the Parcel Map herein above referred to and known as Condensa Street.

Reserving therefrom a non-exclusive easement for ingress and egress over the westerly 13 feet of Parcel A above described.

Also reserving therefrom an easement for ingress and egress over that portion of Parcel "A" described as follows: Beginning at a point on the westerly line of that certain Cul de Sac known as Condensa Street which point bears South 89° 43' 57" East from the Northwest corner of said Parcel A 44.01 feet thence North 86° 41' 57" West 44.01 feet to said Northwest corner thence South 0° 54' 05" West along the westerly line of said Parcel "A" 50.00 feet thence South 89° 43' 57" East to a point on the Southerly line of the Cul de Sac known as Condensa Street, thence along the Southerly and westerly line of Condensa Street in a westerly and northerly direction to the point of beginning.

PARCEL II

Together with a non-exclusive easement for ingress and egress 13 feet in width lying easterly of and contiguous to the westerly line of Parcel A described in Parcel I above.

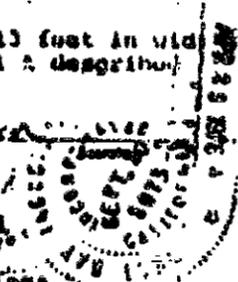
STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

On this 27th day of April

the undersigned,
Richard T. Feery

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

John Arrillaga



5276736

VALLEY TITLE COMPANY
Form # VT-1492-B

EXHIBIT A

L 854 PAGE 0783

B 997 5276736
MAR 27 1976

RECORDER'S MEMO
PAINT WRITING, TYPING, CARBON
COPIES OF DOT MATRIX PRINTERS
MAKE POOR PHOTOGRAPHIC RECORD

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

B 997 MAR 23 1976

5276736

IN WITNESS WHEREOF said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its duly authorized officers this 15th day of January 1976

WEST LAY MEDICAL CORPORATION

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

On this 27th day of April 1976

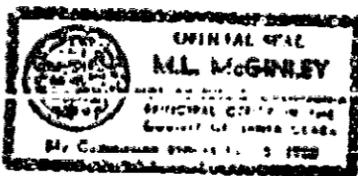
before me the undersigned

a Notary Public in and for said County and State personally appeared
known to me to be the
known to me to be the
instrument, and also known to me to be the person who executed the
indged to me their act and content executed the same.

Richard T. Peery
President and
John Arrillaga
Secretary of the corporation that executed the above and foregoing

M. L. McGinley
Notary Public

MAIL TAX STATEMENTS AS DIRECTED ABOVE
VIC - 1871

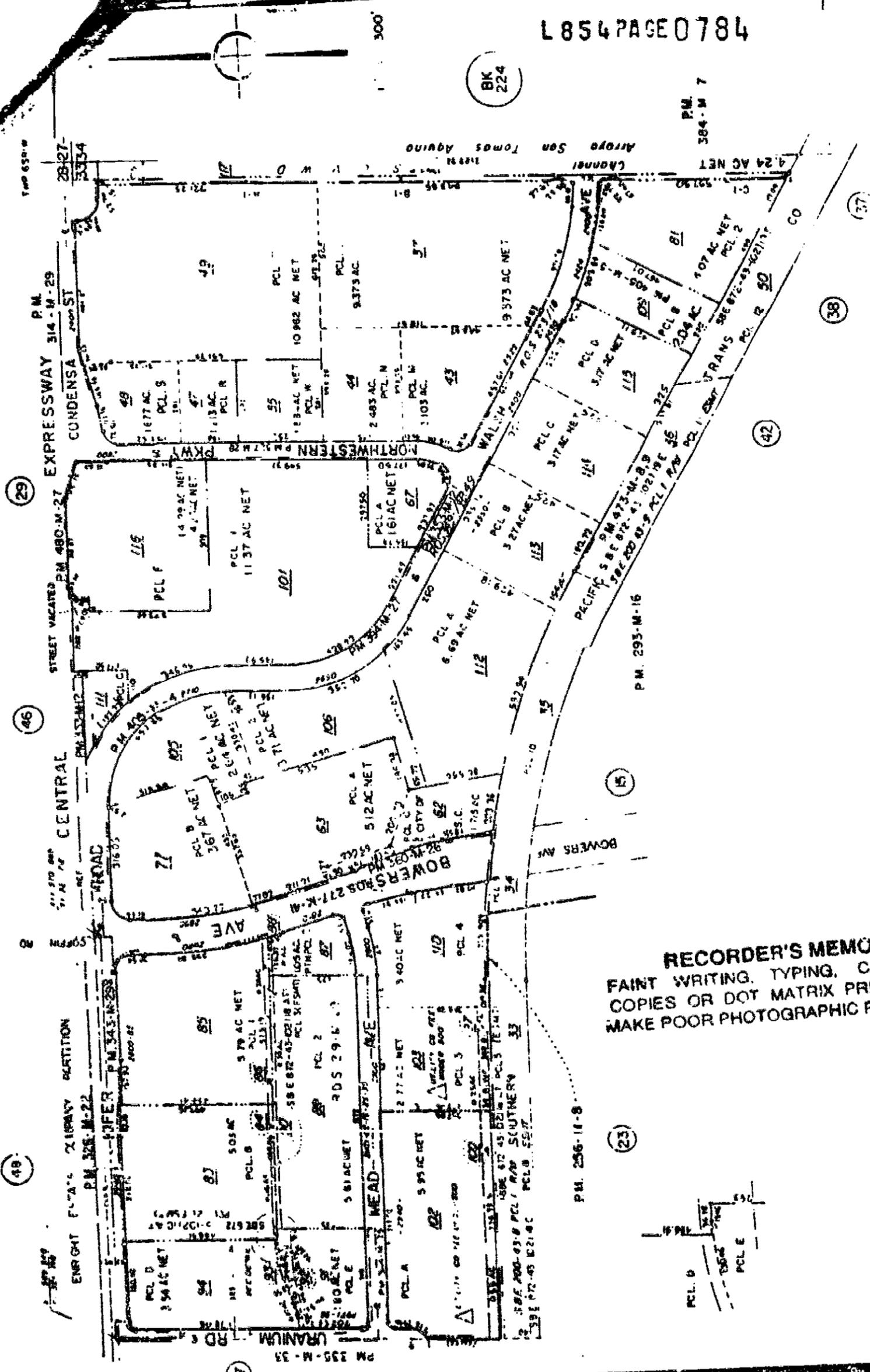


APR 1 1976

9/90

OFFICE OF COUNTY ASSESSOR - SANTA CLARA COUNTY, CALIFORNIA

L854 PAGE 0784



RECORDER'S MEMO
 FAINT WRITING, TYPING, CARBON
 COPIES OR DOT MATRIX PRINTERS
 MAKE POOR PHOTOGRAPHIC RECORD

L 854 PAGE 0786

EXHIBIT B

SC 3 DISTRIBUTION, 8/17/90

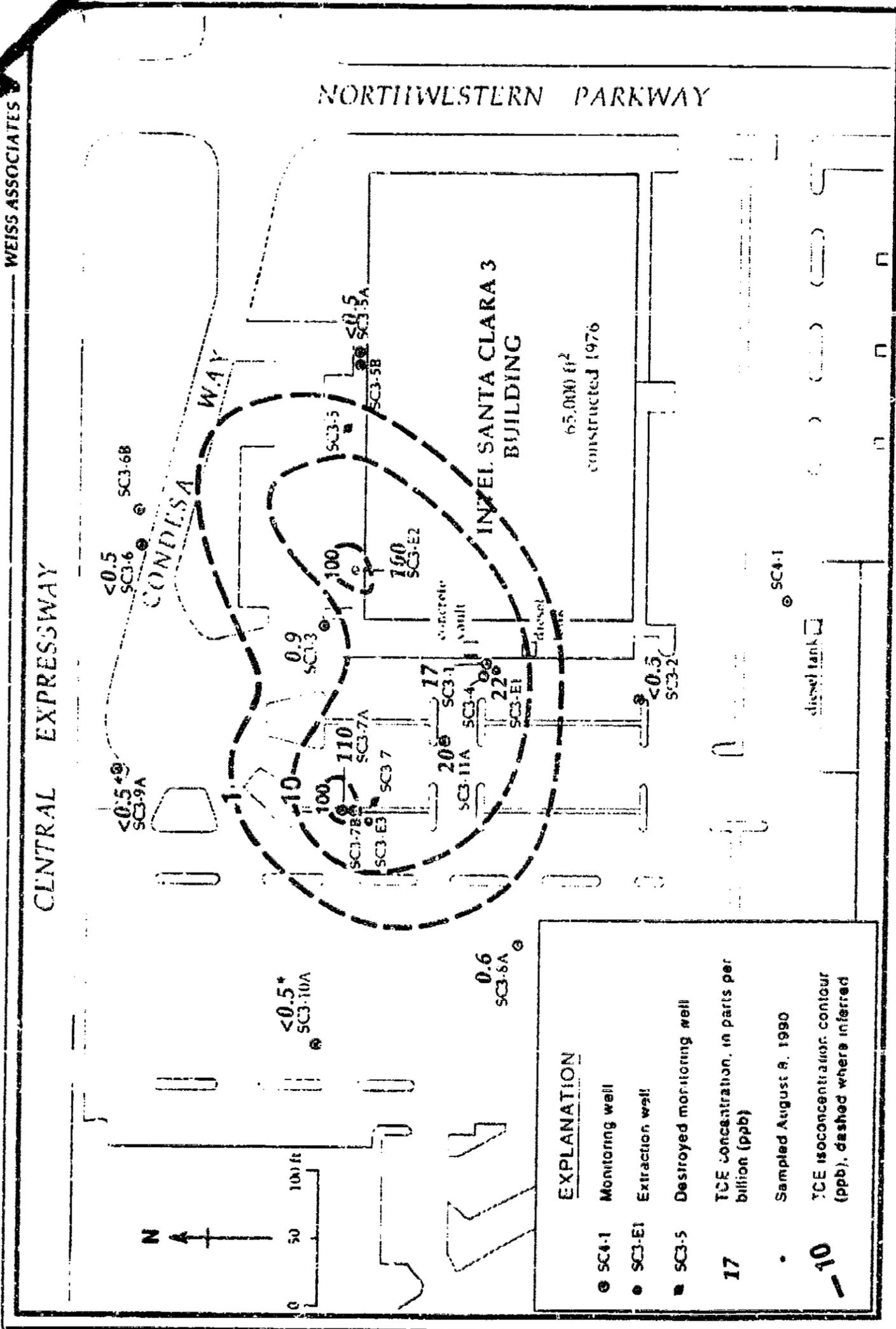


Figure 4. Distribution of TCE in the A Water-Bearing Zone - August 17, 1990 - Intel Santa Clara 3, Santa Clara, California

L 854 PAGE 0788

EXHIBIT C

Date _____

Dear _____:

This is to notify [Owner] in response to a request dated _____ made pursuant to that certain Covenant and Agreement to Restrict Use of Property dated _____ (the "Covenant") and recorded in the official Records of Santa Clara County at Page _____ of Book _____ that the California Regional Water Quality Control Board, San Francisco Bay Region (the "Regional Board") has no knowledge of any failure of [Owner] to comply with the provisions of the Covenant. [X Regional Board has knowledge of the following facts: _____.] In providing this statement, the Regional Board has relied upon review of its official records and has made no other inquiries and has made no inspection of the Property owned by [Owner].

CALIFORNIA REGIONAL WATER QUALITY CONTROL
BOARD, SAN FRANCISCO BAY REGION

By: _____



Fees	42 00
Taxes	
Copies	
AMT PAID	42 00

Recording Requested By:
INTEL CORPORATION
2200 Mission College Blvd.
Santa Clara, CA 95052

REGINA ALCOMENDRAS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Recording Service

RDE # 007
1/28/2008
2:19 PM

When Recorded, Mail To:
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

COVENANT AND ENVIRONMENTAL RESTRICTION ON PROPERTY
(Civil Code section 1471)

Re: Assessor's Parcel F (480 PM 27), Intel Corp Santa Clara III
2880 Northwestern Parkway, Santa Clara, CA

This Covenant and Environmental Restriction on Property (this "Covenant") is made as of the 9th day of January, 2008, by Intel Corporation ("Covenantor") who is the Owner of record of that certain property situated at 2880 Northwestern Parkway, in the City of Santa Clara, County of Santa Clara, State of California, which is more particularly described in Exhibit A attached hereto and incorporated herein by this reference (such portion hereinafter referred to as the "Burdened Property"), for the benefit of the California Regional Water Quality Control Board for the San Francisco Bay Region (the "Board"). Covenantor and the Board further intend that the provisions of this Covenant also be for the benefit of the U.S. Environmental Protection Agency ("U.S. EPA") as a third-party beneficiary. This Covenant is based on the following facts:

A. Nature of Covenant. This Covenant is an environmental covenant provided for by Civil Code section 1471 and required by the Board because the Burdened Property is contaminated by hazardous materials as defined in section 25260 of the Health and Safety Code

B. Contamination of the Burdened Property. Soil at the Burdened Property was contaminated by unknown spill or leak containing volatile organic compounds, principally trichloroethylene which resulted in contamination of groundwater by TCE and associated daughter products. These substances constitute hazardous materials as that term is defined in Health & Safety Code Section 25260. Site remediation through groundwater treatment commenced in 1985 and was terminated as a continuous pumping remedy due to diminishing contamination recovery in 1991, wherein five years of pulse pumping trials began followed by monitored natural attenuation.

C. Exposure Pathways. The residual contaminants addressed in this Covenant are present in the groundwater on the Burdened Property. There are no known pathways of exposure as the

groundwater is not a source of drinking water. The risk of public exposure to the contaminants has been substantially lessened by the remediation and controls described herein.

D. Adjacent Land Uses and Population Potentially Affected. The Burdened Property is used for industrial research and development and general office use and is adjacent to other industrial/commercial properties.

E. Disclosure. Full and voluntary disclosure to the Board of the presence of hazardous materials on the Burdened Property has been made and extensive sampling of the Burdened Property has been conducted.

F. Use of Burdened Property. Covenantor desires and intends that in order to benefit the Board (and the U.S. EPA as third-party beneficiary), and to protect the present and future public health and safety, the Burdened Property shall be used in such a manner as to avoid potential harm to persons or property that may result from hazardous materials that may have been deposited on portions of the Burdened Property.

ARTICLE I GENERAL PROVISIONS

1.1 Provisions to Run with the Land. This Covenant sets forth protective provisions, covenants, conditions and restrictions (collectively referred to as “Restrictions”) upon and subject to which the Burdened Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. The Restrictions set forth in Article III are reasonably necessary to protect present and future human health and safety or the environment as a result of the presence on the land of hazardous materials. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Burdened Property, and shall apply to, inure to the benefit of, and bind the respective successors in interest thereof, for the benefit of the Board and all Owners and Occupants, as well as for the benefit of U.S. EPA as a third-party beneficiary. Each and all of the Restrictions are imposed upon the entire Burdened Property unless expressly stated as applicable to a specific portion of the Burdened Property. Each and all of the Restrictions run with the land pursuant to section 1471 of the Civil Code. Each and all of the Restrictions are enforceable by the Board and U.S. EPA; provided, however, that in the event of conflict between the decisions of the Board and the U.S. EPA the decisions of the U.S. EPA shall control.

1.2 Concurrence of Owners and Lessees Presumed. All purchasers, lessees, or possessors of any portion of the Burdened Property shall be deemed by their purchase, leasing, or possession of the Burdened Property, to be in accord with the foregoing and to agree for and among themselves, their heirs, successors, and assignees, and the agents, employees, and lessees of such owners, heirs, successors, and assignees, that the Restrictions as herein established must be adhered to for the benefit of the Board, all Owners and Occupants of the Burdened Property, and U.S. EPA (as a third-party beneficiary), and that the interest of all Owners and Occupants of the Burdened Property shall be subject to the Restrictions contained herein.

1.3 Apportionment of Burden among Multiple Owners. Where ownership of the Burdened Property is held by multiple persons, holding by several titles, the burdens imposed by this Covenant shall be apportioned between them proportionate to the value of the property held by each owner, if such value can be ascertained, and if not, then according to their respective interests in point of quantity. (Cal. Civ. Code, § 1467)

1.4 Incorporation into Deeds and Leases. Covenantor desires and covenants that the Restrictions set out herein shall be incorporated in and attached to each and all deeds and leases of any portion of the Burdened Property. Recordation of this Covenant shall be deemed binding on all successors, assigns, and lessees, regardless of whether a copy of this Covenant and Agreement has been attached to or incorporated into any given deed or lease.

1.5 Purpose. The purpose of this Covenant is to set forth the use restrictions necessary to prevent potential human exposure to existing contamination, as well as to prevent interference with the ongoing remediation. In 1990, the Board and U.S. EPA issued separate decision documents detailing the selected remedy for this Site. Both remedies required implementation of institutional controls in the form of a deed restriction. This restrictive covenant implements that element of the selected remedy.

ARTICLE II DEFINITIONS

2.1 Board. “Board” shall mean the California Regional Water Quality Control Board for the San Francisco Bay Region and shall include its successor agencies, if any.

2.2 Improvements. “Improvements” shall mean all buildings, roads, driveways, regradings, and paved parking or paved areas, constructed or placed upon any portion of the Burdened Property.

2.3 Occupants. “Occupants” shall mean Owners and those persons entitled by ownership, leasehold, or other legal relationship to the exclusive right to use and/or occupy all or any portion of the Burdened Property.

2.4 Owner or Owners. “Owner” or “Owners” shall mean Covenantor and/or its successors in interest, who hold title to all or any portion of the Burdened Property.

2.5 U.S. EPA. “U.S. EPA” shall mean the United States Environmental Protection Agency and shall include its successor agencies, if any.

ARTICLE III DEVELOPMENT, USE AND CONVEYANCE OF THE BURDENED PROPERTY

3.1 Restrictions on Development and Use. Covenantor promises to restrict the use of the Burdened Property as follows:

- a. No residence for human habitation shall be permitted on the Burdened Property;
- b. No hospitals shall be permitted on the Burdened Property;
- c. No schools for persons under 21 years of age shall be permitted on the Burdened Property;
- d. No day care centers for children or day care centers for senior citizens shall be permitted on the Burdened Property;
- e. No Owners or Occupants of the Burdened Property or any portion thereof shall conduct any excavation work at depths of greater than 3 feet below ground surface on the Property, unless expressly permitted in writing by the Board, except when necessary to address an emergency or to repair any Improvements. Any contaminated soils at depths greater than 3 feet below ground surface brought to the surface by grading, excavation, trenching, or backfilling shall be managed by the Owner or its agent or the Occupant or its agent in accordance with all applicable provisions of local, state and federal law. If the excavation work resulted from an emergency, the Owner or Occupant shall notify the Board by registered mail within ten (10) business days of both the commencement date of such excavation and after the date of completion;
- f. All uses and development of the Burdened Property shall be consistent with any applicable Board Order or Risk Management Plan, each of which is hereby incorporated by reference including future amendments thereto. All uses and development shall preserve the integrity of any cap, any remedial measures taken or remedial equipment installed, and any groundwater monitoring system installed on the Burdened Property pursuant to the requirements of the Board, unless otherwise expressly permitted in writing by the Board.
- g. No Owners or Occupants of the Burdened Property or any portion thereof shall drill, bore, otherwise construct, or use a well for the purpose of extracting water for any use, including but not limited to, domestic, potable, or industrial uses, unless expressly permitted in writing by the Board.
- i. Covenantor agrees that the Board, and/or any persons acting pursuant to Board orders, shall have reasonable access to the Burdened Property for the purposes of inspection, surveillance, maintenance, or monitoring, as provided for in Division 7 of the Water Code.
- j. No Owner or Occupant of the Burdened Property shall act in any manner that will aggravate or contribute to the existing environmental conditions of the Burdened Property. All use and development of the Burdened Property shall preserve the integrity of any capped areas.

3.2 Enforcement. Failure of an Owner or Occupant to comply with any of the restrictions, as set forth in Paragraph 3.1 above, shall be grounds for the Board, by reason of this Covenant, to have the authority to require that the Owner modify or remove any Improvements constructed in violation of that paragraph. Violation of the Covenant shall be grounds for the Board to file civil actions against the Owner as provided by law.

3.3 Notice in Agreements. After the date of recordation hereof, all Owners and Occupants shall execute a written instrument which shall accompany all purchase agreements or leases relating to the property. Any such instrument shall contain the following statement:

The land described herein contains hazardous materials in soils and in the ground water under the property, and is subject to a Covenant and Environmental Restriction on Property dated as of January 9, 2008, and recorded on January, 2008, in the Official Records of Santa Clara County, California, as Document No. _____, which Covenant and Environmental Restriction imposes certain covenants, conditions, and restrictions on usage of the Property described herein. This statement is not a declaration that a hazard exists.

3.4 Conveyance of Property. The Owner shall provide notice to the Board and to U.S. EPA not later than thirty (30) days after any conveyance of any ownership interest in the Property (excluding mortgages, liens, and other non-possessory encumbrances). The Board and U.S. EPA shall not, by reason of this Covenant, have authority to approve, disapprove, or otherwise affect proposed conveyance, except as otherwise provided by law, by administrative order, or by a specific provision of this Covenant.

ARTICLE IV VARIANCE AND TERMINATION

4.1 Variance. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or any portion thereof may apply to the Board for a written variance from the provisions of this Covenant. Unless or until the State of California assumes CERCLA Lead Agency responsibility for Site operation and maintenance, no variance may be granted under this Paragraph 4.1 without prior review and prior concurrence of the variance by U.S. EPA. If requested by the Board or U.S. EPA, any approved variance shall be recorded in the land records by the person or entity granted the variance.

4.2 Termination. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or a portion thereof may apply to the Board for a termination of the Restrictions as they apply to all or any portion of the Burdened Property. Unless and until the State of California assumes CERCLA Lead Agency responsibility for Site operation and maintenance, no termination may be granted under this Paragraph 4.2 without prior review and prior written concurrence of the termination by U.S. EPA.

4.3 Term. Unless terminated in accordance with Paragraph 4.2 above, or in the Board's discretion, with U.S. EPA's prior review and concurrence, this Covenant shall continue in effect in perpetuity.

ARTICLE V
MISCELLANEOUS

5.1 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Burdened Property or any portion thereof to the general public.

5.2 Notices. Whenever any person gives or serves any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective (1) when delivered, if personally delivered to the person being served or official of a government agency being served, or (2) three (3) business days after deposit in the mail if mailed by United States mail, postage paid certified, return receipt requested:

If To: "Covenantor"
Intel Corporation
Attention: Tom Cooper or Corporate Environmental Manager
2200 Mission College Blvd, MS:SC12-324
Santa Clara CA 95052

If To: "Board"
Regional Water Quality Control Board
San Francisco Bay Region
Attention: Executive Officer
1515 Clay Street, Suite 1400
Oakland, California 94612

If To: "U.S. EPA"
U.S. Environmental Protection Agency, Region 9
Attention: Penelope McDaniel
75 Hawthorne St.
San Francisco, CA 94105

5.3 Partial Invalidity. If any portion of the Restrictions or terms set forth herein is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion had not been included herein.

5.4 Article Headings. Headings at the beginning of each numbered article of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

5.5 Recordation. This instrument shall be executed by Covenantor and by the Executive Officer of the Board. This instrument shall be recorded by Covenantor in the County of Santa Clara within ten (10) days of the date of execution.

5.6 Third-Party Beneficiary. U.S. EPA's rights as a third-party beneficiary of this Covenant shall be construed pursuant to principles of contract law under the statutory and common law of the State of California.

5.7 References. All references to Code sections include successor provisions.

5.8 Construction. Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the Covenant to effect the purpose of this instrument and the policy and purpose of the Water Code. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.

Covenantor: INTEL CORPORATION

By: [Signature]

Title: Sunil K. Das, Director of Corporate Real Estate

Date: 12/6/07

CORP. R.E. OK	
<u>[Signature]</u>	12/5/07

LEGAL OK	
<u>[Signature]</u>	12/5/07

Kevin M. Kreuser

Agency: STATE OF CALIFORNIA
REGIONAL WATER QUALITY BOARD,
SAN FRANCISIC BAY REGION

By: [Signature]

Title: Executive Officer

Date: 1/9/08

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Alameda

On Jan 9, 2008 before me, Howard Leong, Notary Public
(Here insert name and title of the officer)

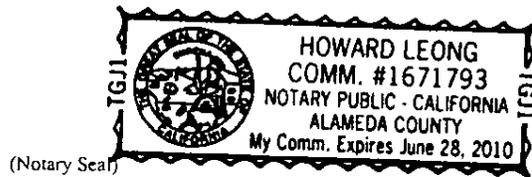
personally appeared BRUCE H WOLFE

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]
Signature of Notary Public



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

COVENANT AND ENV. RESTRICTION

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment
- Date of notanzation must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~ is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form
- Signature of the notary public must match the signature on file with the office of the county clerk
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary)
- Securely attach this document to the signed document

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Legal Description for T.I. Zone at the Intel SC3 Facility

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

Portion of Parcel F as shown on that certain Parcel Map entitled "Lands of Intel Corporation", said map being filed for record on February 27, 1981, in Book 480 of Parcel Maps, at Page 27, in the office of the County Recorder for Santa Clara County, more particularly described as follows:

Commencing on the centerline of Northwestern Parkway, at a monument as shown on the herein above referenced Parcel Map (480 PM 27), from which a monument bears South 0°54'05" West, 1038.50 feet as shown on said parcel Map (480 PM 27); thence North 76°37'51" West, 294.37 feet to the True Point of Beginning; thence North 89°43'57" West, 245.82 feet to the northerly terminus of the west line of said Parcel F; thence South 00°54'05" West, 327.46 feet along said west line of said Parcel F; thence South 89°43'57" East, 245.82 feet; thence North 00°54'05" East, 327.46 feet to the True Point of Beginning.

Containing an area of 80,492 square feet more or less.

A plat (Exhibit "B") showing the above described property is attached hereto and made a part hereof.

End of description



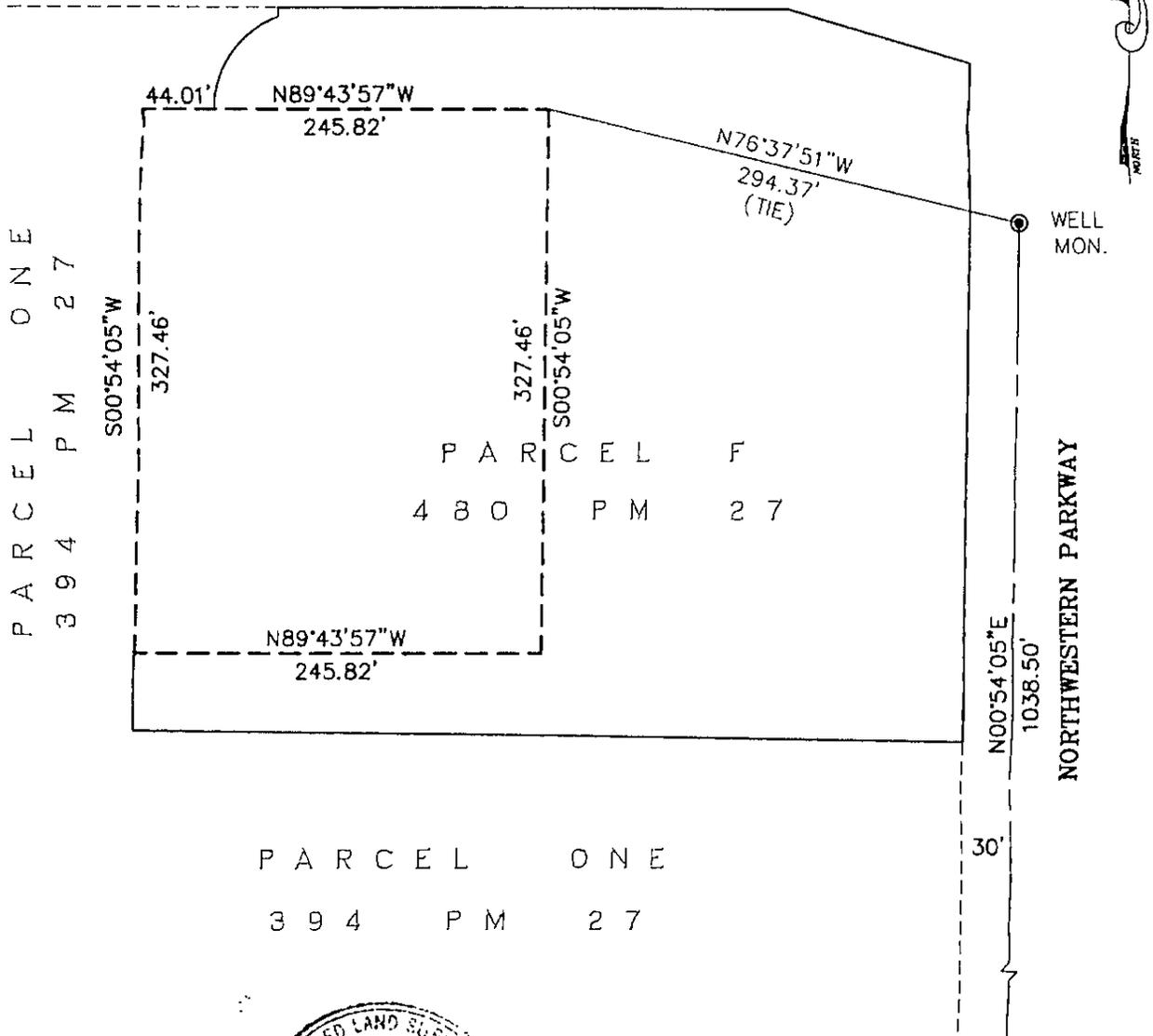
Virgil D. Chavez
Virgil D. Chavez, PLS 6323

"EXHIBIT A"

"EXHIBIT B"

EXHIBIT PLAT TO
ACCOMPANY LEGAL DESCRIPTION
PORTION OF PARCEL F AS SHOWN
IN BOOK 480 OF PARCEL MAPS, PAGE 27

CENTRAL EXPRESSWAY



PARCEL ONE
394 PM 27



Virgil D. Chavez

VIRGIL CHAVEZ LAND SURVEYING
721 TUOLUMNE STREET
VALLEJO, CALIFORNIA
(707) 553-2476

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Appendix B
Documents Reviewed

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Appendix B

Documents Reviewed

California Department of Toxic Substance Control (DTSC). 2005. *Interim Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air*. 2004, updated February 2005.

California Department of Public Health. 2010. *Table of MCLs, DLRs, and PHGs for Regulated Drinking Water Contaminants*. Last updated April 14, 2010.

California Environmental Protection Agency (CalEPA). 2011a. Online Toxicity Database - <http://www.oehha.ca.gov/risk/ChemicalDB/index.asp>, accessed March 2011.

California Environmental Protection Agency (CalEPA). 2011b. Online Table of OEHHA Acute, 8-hour and Chronic Reference Exposure Level (REL) Summary. <http://www.oehha.ca.gov/air/allrels.html>

California Regional Water Quality Control Board San Francisco Region (Water Board). 2008. *Groundwater Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater – Interim Final*. November 2007, updated May 2008.

Environmental Data Resources, Inc. (EDR). 2011. *EDR Environmental Lien Report, Intel SC3, 2880 Northwestern Parkway, Santa Clara, CA 95051, Inquiry Number: 2970834.1*. March 15.

Santa Clara Valley Water District (SCVWD). 2010. *Santa Clara Valley Water District Budget in Brief Fiscal Year (FY) 2010-2011*.

Stellar Environmental Solutions (SES). 2006a. *Focused Feasibility Study Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. May 18.

SES. 2006b. *Year 2006 Annual Groundwater Monitoring Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. May 18.

SES. 2006c. *Chemical Oxidation Implementation Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. December 29.

SES. 2007. *Year 2007 Annual Groundwater Monitoring Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. June 7.

SES. 2008. *Year 2008 Annual Groundwater Monitoring Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. May 15.

SES. 2009. *Year 2009 Annual Groundwater Monitoring Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California*. May 20.

- SES. 2010a. *Indoor Air Survey Letter of Findings, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California.* March 7.
- SES. 2010b. *Technical Memo for Natural Attenuation Remedy Consideration, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California.* March.
- SES. 2010c. *Year 2010 Annual Groundwater Monitoring Report, Intel SC-3 Facility, 2880 Northwestern Parkway, Santa Clara, California.* May 10.
- SES. 2011. *Completion of the Decommissioning of the Existing Monitoring Wells SC3-1 and SC3-5A at the Former Intel SC3 Facility following the Installation of Replacement Monitoring Wells SC3-1Rep and SC3-5ARep.* January 10.
- United States Environmental Protection Agency (EPA). 1990. *Record of Decision; Intel Santa Clara III Superfund Site.* September 20.
- EPA. 1995. *First Five-Year Review for Intel Santa Clara 3.* November 6.
- EPA. 2001a. *Comprehensive Five-Year Review Guidance, EPA 540-R-01-007.* June.
- EPA. 2001b. *Second Five-Year Review Report for the Intel Santa Clara III Superfund Site, Santa Clara, California.* August 15.
- EPA Office of Solid Waste and Emergency Response (OSWER). 2002. *Draft Guidance for Evaluating the Vapor Intrusion to Indoor Air Pathway from Groundwater and Soils (Subsurface Vapor Intrusion Guidance).* November.
- EPA. 2006. *Third Five-Year Review Report for the Intel Santa Clara III Superfund Site, Santa Clara, California.* August 15.
- EPA Office of Research and Development (ORD), National Center for Environmental Assessment. 2009a. *Draft Toxicological Review of Trichloroethylene: In Support of the Summary Information in the Integrated Risk Information System (IRIS).* November.
- EPA. 2009b. *Supplemental Guidance for Inhalation Risk Assessment or Part F of Volume I of Risk Assessment Guidance for Superfund, Human Health Evaluation Manual (RAGS Part F).* January.
- EPA. 2010a. *Record of Decision Amendment for the Intel Santa Clara 3 Superfund Site, Santa Clara, California.* September 7.
- EPA. 2010b. *Regional Screening Levels (RSLs) - <http://www.epa.gov/sfund/prgs>, accessed February 28, 2011.*
- EPA. 2011a. *Online Integrated Risk Information System (IRIS) - <http://www.epa.gov/iris/>, accessed February 28, 2011.*

EPA. 2011b. Personal communication between Rachelle Thompson (EPA) and Richard Makdisi (SES) regarding SC3 Five-Year Review Expenditures (2006 through 2010). February 2.

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Appendix C

Five-Year Review Site Inspection Checklist

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Appendix C

Five-Year Review Site Inspection Checklist

Table C-1
Site Inspection Team Roster
Site Inspection- January 7, 2011
Intel Santa Clara III (SC3), Santa Clara, CA

Name	Title	Affiliation
Rachelle Thompson	Remedial Project Manager	USEPA
Peggy Bloisa	Professional Geologist	CDM Walnut Creek Office
Richard Makdisi	President	Stellar Environmental Solutions, Inc.

Site Inspection Checklist

I. SITE INFORMATION				
Site name: Intel Corporation, Santa Clara III (SC3)	Date of inspection: 1/7/2011			
Location and Region: Santa Clara, CA, Region 9	EPA ID: CAT000612184			
Agency, office, or company leading the five-year review: EPA Region 9	Weather/temperature: Cloudy – approximately 45 degrees F			
Remedy Includes: (Check all that apply) <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Landfill cover/containment <input type="checkbox"/> Access controls <input checked="" type="checkbox"/> Institutional controls <input type="checkbox"/> Groundwater pump and treatment <input type="checkbox"/> Surface water collection and treatment <input type="checkbox"/> Other _____ </td> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Monitored natural attenuation <input type="checkbox"/> Groundwater containment <input type="checkbox"/> Vertical barrier walls </td> </tr> </table>		<input type="checkbox"/> Landfill cover/containment <input type="checkbox"/> Access controls <input checked="" type="checkbox"/> Institutional controls <input type="checkbox"/> Groundwater pump and treatment <input type="checkbox"/> Surface water collection and treatment <input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Monitored natural attenuation <input type="checkbox"/> Groundwater containment <input type="checkbox"/> Vertical barrier walls	
<input type="checkbox"/> Landfill cover/containment <input type="checkbox"/> Access controls <input checked="" type="checkbox"/> Institutional controls <input type="checkbox"/> Groundwater pump and treatment <input type="checkbox"/> Surface water collection and treatment <input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Monitored natural attenuation <input type="checkbox"/> Groundwater containment <input type="checkbox"/> Vertical barrier walls			
Attachments: <input type="checkbox"/> Inspection team roster attached <input type="checkbox"/> Site map attached				
II. INTERVIEWS (Check all that apply)				
1. O&M site manager _____ <table style="width: 100%; border: none;"> <tr> <td style="width: 30%; text-align: center;">Name</td> <td style="width: 30%; text-align: center;">Title</td> <td style="width: 40%; text-align: center;">Date</td> </tr> </table> Interviewed <input type="checkbox"/> at site <input type="checkbox"/> at office <input type="checkbox"/> by phone Phone no. _____ Problems, suggestions; <input type="checkbox"/> Report attached _____ _____		Name	Title	Date
Name	Title	Date		
2. O&M staff _____ <table style="width: 100%; border: none;"> <tr> <td style="width: 30%; text-align: center;">Name</td> <td style="width: 30%; text-align: center;">Title</td> <td style="width: 40%; text-align: center;">Date</td> </tr> </table> Interviewed <input type="checkbox"/> at site <input type="checkbox"/> at office <input type="checkbox"/> by phone Phone no. _____ Problems, suggestions; <input type="checkbox"/> Report attached _____ _____		Name	Title	Date
Name	Title	Date		

III. ON-SITE DOCUMENTS & RECORDS VERIFIED (Check all that apply)				
1.	O&M Documents <input type="checkbox"/> O&M manual <input type="checkbox"/> As-built drawings <input type="checkbox"/> Maintenance logs Remarks _____	<input type="checkbox"/> Readily available <input type="checkbox"/> Readily available <input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> N/A
2.	Site-Specific Health and Safety Plan <input type="checkbox"/> Contingency plan/emergency response plan Remarks <u>Health and Safety plan and contingency plan/emergency response plan would apply only to the current site activities (groundwater monitoring events) and conditions. Neither document was reviewed.</u>	<input type="checkbox"/> Readily available <input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> N/A
3.	O&M and OSHA Training Records Remarks _____	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N/A
4.	Permits and Service Agreements <input type="checkbox"/> Air discharge permit <input type="checkbox"/> Effluent discharge <input type="checkbox"/> Waste disposal, POTW <input type="checkbox"/> Other permits _____ Remarks _____	<input type="checkbox"/> Readily available <input type="checkbox"/> Readily available <input type="checkbox"/> Readily available <input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> N/A
5.	Gas Generation Records Remarks _____	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N/A
6.	Settlement Monument Records Remarks _____	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N/A
7.	Groundwater Monitoring Records Remarks _____	<input type="checkbox"/> Readily available	<input checked="" type="checkbox"/> Up to date	<input type="checkbox"/> N/A
8.	Leachate Extraction Records Remarks _____	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N/A
9.	Discharge Compliance Records <input type="checkbox"/> Air <input type="checkbox"/> Water (effluent) Remarks _____	<input type="checkbox"/> Readily available <input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> N/A
10.	Daily Access/Security Logs Remarks _____	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N/A

IV. O&M COSTS			
1.	O&M Organization	<input type="checkbox"/> State in-house <input type="checkbox"/> PRP in-house <input type="checkbox"/> Federal Facility in-house <input type="checkbox"/> Other _____	<input type="checkbox"/> Contractor for State <input checked="" type="checkbox"/> Contractor for PRP (Stellar Environmental Solutions, Inc.) <input type="checkbox"/> Contractor for Federal Facility
2.	O&M Cost Records – Richard Makdisi with Stellar provided at a later date		
	<input type="checkbox"/> Readily available <input type="checkbox"/> Up to date <input type="checkbox"/> Funding mechanism/agreement in place Original O&M cost estimate _____ <input type="checkbox"/> Breakdown attached		
	Total annual cost by year for review period if available		
	From _____ To _____ Date Date	\$ _____ Total cost	<input type="checkbox"/> Breakdown attached
	From _____ To _____ Date Date	\$ _____ Total cost	<input type="checkbox"/> Breakdown attached
	From _____ To _____ Date Date	\$ _____ Total cost	<input type="checkbox"/> Breakdown attached
	From _____ To _____ Date Date	\$ _____ Total cost	<input type="checkbox"/> Breakdown attached
	From _____ To _____ Date Date	\$ _____ Total cost	<input type="checkbox"/> Breakdown attached
3.	Unanticipated or Unusually High O&M Costs During Review Period		
	Describe costs and reasons: _____ _____ _____ _____		
V. ACCESS AND INSTITUTIONAL CONTROLS <input checked="" type="checkbox"/> Applicable <input type="checkbox"/> N/A			
A. Fencing			
1.	Fencing damaged	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> Gates secured <input type="checkbox"/> N/A
	Remarks: <u>The property is fenced with entrance gate on Northwestern Parkway. The gate was open due to construction crews working at the time of the site inspection.</u>		
B. Other Access Restrictions			
1.	Signs and other security measures	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> N/A
	Remarks: <u>A security vehicle was observed on site.</u>		

C. Institutional Controls (ICs)			
1.	Implementation and enforcement	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Site conditions imply ICs not properly implemented	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Site conditions imply ICs not being fully enforced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Type of monitoring (<i>e.g.</i> , self-reporting, drive by) <u>None needed as deed restriction is only IC</u>		
	Frequency <u>N/A</u>		
	Responsible party/agency <u>N/A</u>		
	Contact _____		
	Name	Title	Date
			Phone no.
	Reporting is up-to-date	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Reports are verified by the lead agency	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Specific requirements in deed or decision documents have been met (i.e., property is not being used for residential purposes)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Violations have been reported	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Other problems or suggestions: <input type="checkbox"/> Report attached		<input checked="" type="checkbox"/> N/A

2.	Adequacy	<input checked="" type="checkbox"/> ICs are adequate	<input type="checkbox"/> ICs are inadequate
	Remarks <u>The ICs for the Site include a deed restriction.</u>		<input type="checkbox"/> N/A

D. General			
1.	Vandalism/trespassing	<input type="checkbox"/> Location shown on site map	<input checked="" type="checkbox"/> No vandalism evident
	Remarks: _____		

2.	Land use changes on site	<input checked="" type="checkbox"/> N/A	
	Remarks: _____		

3.	Land use changes off site	<input checked="" type="checkbox"/> N/A	
	Remarks: _____		

VI. GENERAL SITE CONDITIONS			
A. Roads			
	<input checked="" type="checkbox"/> Applicable	<input type="checkbox"/> N/A	
1.	Roads damaged	<input type="checkbox"/> Location shown on site map	<input checked="" type="checkbox"/> Roads adequate
	Remarks _____		<input type="checkbox"/> N/A

B. Other Site Conditions			
Remarks: _____ _____ _____ _____			
VII. LANDFILL COVERS <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A			
A. Landfill Surface			
1.	Settlement (Low spots) Areal extent _____ Depth _____ Remarks _____ _____	<input type="checkbox"/> Location shown on site map <input type="checkbox"/> Settlement not evident	
2.	Cracks Lengths _____ Widths _____ Depths _____ Remarks _____ _____	<input type="checkbox"/> Location shown on site map <input type="checkbox"/> Cracking not evident	
3.	Erosion Areal extent _____ Depth _____ Remarks _____ _____	<input type="checkbox"/> Location shown on site map <input type="checkbox"/> Erosion not evident	
4.	Holes Areal extent _____ Depth _____ Remarks _____ _____	<input type="checkbox"/> Location shown on site map <input type="checkbox"/> Holes not evident	
5.	Vegetative Cover <input type="checkbox"/> Grass <input type="checkbox"/> Cover properly established <input type="checkbox"/> Trees/Shrubs (indicate size and locations on a diagram) Remarks _____ _____	<input type="checkbox"/> No signs of stress	
6.	Alternative Cover (armored rock, concrete, etc.) Remarks _____ _____	<input type="checkbox"/> N/A	
7.	Bulges Areal extent _____ Height _____ Remarks _____ _____	<input type="checkbox"/> Location shown on site map <input type="checkbox"/> Bulges not evident	

8.	Wet Areas/Water Damage <input type="checkbox"/> Wet areas <input type="checkbox"/> Ponding <input type="checkbox"/> Seeps <input type="checkbox"/> Soft subgrade Remarks _____	<input type="checkbox"/> Wet areas/water damage not evident <input type="checkbox"/> Location shown on site map Areal extent _____ <input type="checkbox"/> Location shown on site map Areal extent _____ <input type="checkbox"/> Location shown on site map Areal extent _____ <input type="checkbox"/> Location shown on site map Areal extent _____
9.	Slope Instability <input type="checkbox"/> Slides Areal extent _____ Remarks _____	<input type="checkbox"/> Location shown on site map <input type="checkbox"/> No evidence of slope instability
B. Benches <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A (Horizontally constructed mounds of earth placed across a steep landfill side slope to interrupt the slope in order to slow down the velocity of surface runoff and intercept and convey the runoff to a lined channel.)		
1.	Flows Bypass Bench Remarks _____	<input type="checkbox"/> Location shown on site map <input type="checkbox"/> N/A or okay
2.	Bench Breached Remarks _____	<input type="checkbox"/> Location shown on site map <input type="checkbox"/> N/A or okay
3.	Bench Overtopped Remarks _____	<input type="checkbox"/> Location shown on site map <input type="checkbox"/> N/A or okay
C. Letdown Channels <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A (Channel lined with erosion control mats, riprap, grout bags, or gabions that descend down the steep side slope of the cover and will allow the runoff water collected by the benches to move off of the landfill cover without creating erosion gullies.)		
1.	Settlement Areal extent _____ Depth _____ Remarks _____	<input type="checkbox"/> Location shown on site map <input type="checkbox"/> No evidence of settlement
2.	Material Degradation Material type _____ Areal extent _____ Remarks _____	<input type="checkbox"/> Location shown on site map <input type="checkbox"/> No evidence of degradation
3.	Erosion Areal extent _____ Depth _____ Remarks _____	<input type="checkbox"/> Location shown on site map <input type="checkbox"/> No evidence of erosion

4.	Undercutting	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> No evidence of undercutting
	Areal extent _____	Depth _____	
	Remarks _____		
5.	Obstructions	Type _____	<input type="checkbox"/> No obstructions
	<input type="checkbox"/> Location shown on site map	Areal extent _____	
	Size _____		
	Remarks _____		
6.	Excessive Vegetative Growth	Type _____	
	<input type="checkbox"/> No evidence of excessive growth		
	<input type="checkbox"/> Vegetation in channels does not obstruct flow		
	<input type="checkbox"/> Location shown on site map	Areal extent _____	
	Remarks _____		
D. Cover Penetrations <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A			
1.	Gas Vents	<input type="checkbox"/> Active	<input type="checkbox"/> Passive
	<input type="checkbox"/> Properly secured/locked	<input type="checkbox"/> Functioning	<input type="checkbox"/> Routinely sampled
	<input type="checkbox"/> Evidence of leakage at penetration		<input type="checkbox"/> Needs Maintenance
	<input type="checkbox"/> N/A		<input type="checkbox"/> Good condition
	Remarks _____		
2.	Gas Monitoring Probes	<input type="checkbox"/> Functioning	<input type="checkbox"/> Routinely sampled
	<input type="checkbox"/> Properly secured/locked		<input type="checkbox"/> Good condition
	<input type="checkbox"/> Evidence of leakage at penetration	<input type="checkbox"/> Needs Maintenance	<input type="checkbox"/> N/A
	Remarks _____		
3.	Monitoring Wells (within surface area of landfill)	<input type="checkbox"/> Functioning	<input type="checkbox"/> Routinely sampled
	<input type="checkbox"/> Properly secured/locked		<input type="checkbox"/> Good condition
	<input type="checkbox"/> Evidence of leakage at penetration	<input type="checkbox"/> Needs Maintenance	<input type="checkbox"/> N/A
	Remarks _____		
4.	Leachate Extraction Wells	<input type="checkbox"/> Functioning	<input type="checkbox"/> Routinely sampled
	<input type="checkbox"/> Properly secured/locked		<input type="checkbox"/> Good condition
	<input type="checkbox"/> Evidence of leakage at penetration	<input type="checkbox"/> Needs Maintenance	<input type="checkbox"/> N/A
	Remarks _____		
5.	Settlement Monuments	<input type="checkbox"/> Located	<input type="checkbox"/> Routinely surveyed
	<input type="checkbox"/> N/A		
	Remarks _____		

E. Gas Collection and Treatment			<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N/A
1.	Gas Treatment Facilities <input type="checkbox"/> Flaring <input type="checkbox"/> Thermal destruction <input type="checkbox"/> Collection for reuse <input type="checkbox"/> Good condition <input type="checkbox"/> Needs Maintenance Remarks _____ _____			
2.	Gas Collection Wells, Manifolds and Piping <input type="checkbox"/> Good condition <input type="checkbox"/> Needs Maintenance Remarks _____ _____			
3.	Gas Monitoring Facilities (<i>e.g.</i> , gas monitoring of adjacent homes or buildings) <input type="checkbox"/> Good condition <input type="checkbox"/> Needs Maintenance <input type="checkbox"/> N/A Remarks _____ _____			
F. Cover Drainage Layer			<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N/A
1.	Outlet Pipes Inspected Remarks _____ _____	<input type="checkbox"/> Functioning	<input type="checkbox"/> N/A	
2.	Outlet Rock Inspected Remarks _____ _____	<input type="checkbox"/> Functioning	<input type="checkbox"/> N/A	
G. Detention/Sedimentation Ponds			<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N/A
1.	Siltation Areal extent _____ Depth _____ <input type="checkbox"/> Siltation not evident Remarks _____ _____			<input type="checkbox"/> N/A
2.	Erosion Areal extent _____ Depth _____ <input type="checkbox"/> Erosion not evident Remarks _____ _____			
3.	Outlet Works Remarks _____ _____	<input type="checkbox"/> Functioning	<input type="checkbox"/> N/A	
4.	Dam Remarks _____ _____	<input type="checkbox"/> Functioning	<input type="checkbox"/> N/A	

H. Retaining Walls		<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N/A
1.	Deformations Horizontal displacement _____ Rotational displacement _____ Remarks _____	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> Deformation not evident
2.	Degradation Remarks _____	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> Degradation not evident
I. Perimeter Ditches/Off-Site Discharge		<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N/A
1.	Siltation Areal extent _____ Remarks _____	<input type="checkbox"/> Location shown on site map Depth _____	<input type="checkbox"/> Siltation not evident
2.	Vegetative Growth <input type="checkbox"/> Vegetation does not impede flow Areal extent _____ Remarks _____	<input type="checkbox"/> Location shown on site map Type _____	<input type="checkbox"/> N/A
3.	Erosion Areal extent _____ Remarks _____	<input type="checkbox"/> Location shown on site map Depth _____	<input type="checkbox"/> Erosion not evident
4.	Discharge Structure Remarks _____	<input type="checkbox"/> Functioning	<input type="checkbox"/> N/A
VIII. VERTICAL BARRIER WALLS		<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N/A
1.	Settlement Areal extent _____ Remarks _____	<input type="checkbox"/> Location shown on site map Depth _____	<input type="checkbox"/> Settlement not evident
2.	Performance Monitoring Type of monitoring _____ <input type="checkbox"/> Performance not monitored Frequency _____ Head differential _____ Remarks _____	<input type="checkbox"/> Evidence of breaching	

IX. GROUNDWATER/SURFACE WATER REMEDIES <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A	
A. Groundwater Extraction Wells, Pumps, and Pipelines <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A	
1.	Pumps, Wellhead Plumbing, and Electrical <input type="checkbox"/> Good condition <input type="checkbox"/> All required wells properly operating <input type="checkbox"/> Needs Maintenance <input type="checkbox"/> N/A Remarks _____ _____ _____
2.	Extraction System Pipelines, Valves, Valve Boxes, and Other Appurtenances <input type="checkbox"/> Good condition <input type="checkbox"/> Needs Maintenance Remarks _____ _____
3.	Spare Parts and Equipment <input type="checkbox"/> Readily available <input type="checkbox"/> Good condition <input type="checkbox"/> Requires upgrade <input type="checkbox"/> Needs to be provided Remarks _____ _____
B. Surface Water Collection Structures, Pumps, and Pipelines <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A	
1.	Collection Structures, Pumps, and Electrical <input type="checkbox"/> Good condition <input type="checkbox"/> Needs Maintenance Remarks _____ _____
2.	Surface Water Collection System Pipelines, Valves, Valve Boxes, and Other Appurtenances <input type="checkbox"/> Good condition <input type="checkbox"/> Needs Maintenance Remarks _____ _____
3.	Spare Parts and Equipment <input type="checkbox"/> Readily available <input type="checkbox"/> Good condition <input type="checkbox"/> Requires upgrade <input type="checkbox"/> Needs to be provided Remarks _____ _____

C. Treatment System		<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N/A
1.	Treatment Train (Check components that apply)	<input type="checkbox"/> Metals removal <input type="checkbox"/> Air stripping <input type="checkbox"/> Filters <input type="checkbox"/> Additive (<i>e.g.</i> , chelation agent, flocculent) <input type="checkbox"/> Others _____	<input type="checkbox"/> Oil/water separation <input type="checkbox"/> Carbon adsorbers <input type="checkbox"/> Bioremediation
	<input type="checkbox"/> Good condition <input type="checkbox"/> Sampling ports properly marked and functional <input type="checkbox"/> Sampling/maintenance log displayed and up to date <input type="checkbox"/> Equipment properly identified <input type="checkbox"/> Quantity of groundwater treated annually _____ <input type="checkbox"/> Quantity of surface water treated annually _____	<input type="checkbox"/> Needs Maintenance	
Remarks _____			
2.	Electrical Enclosures and Panels (properly rated and functional)	<input type="checkbox"/> N/A <input type="checkbox"/> Good condition	<input type="checkbox"/> Needs Maintenance
Remarks _____			
3.	Tanks, Vaults, Storage Vessels	<input type="checkbox"/> N/A <input type="checkbox"/> Good condition	<input type="checkbox"/> Proper secondary containment <input type="checkbox"/> Needs Maintenance
Remarks _____			
4.	Discharge Structure and Appurtenances	<input type="checkbox"/> N/A <input type="checkbox"/> Good condition	<input type="checkbox"/> Needs Maintenance
Remarks _____			
5.	Treatment Building(s)	<input type="checkbox"/> N/A <input type="checkbox"/> Good condition (esp. roof and doorways) <input type="checkbox"/> Chemicals and equipment properly stored	<input type="checkbox"/> Needs repair
Remarks _____			
6.	Monitoring Wells (pump and treatment remedy)	<input type="checkbox"/> Properly secured/locked <input type="checkbox"/> All required wells located	<input type="checkbox"/> Functioning <input type="checkbox"/> Needs Maintenance <input type="checkbox"/> Routinely sampled <input type="checkbox"/> Good condition <input type="checkbox"/> N/A
Remarks _____			
D. Monitoring Data			
1.	Monitoring Data	<input type="checkbox"/> Is routinely submitted on time	<input checked="" type="checkbox"/> Is of acceptable quality
2.	Monitoring data suggests:	<input type="checkbox"/> Groundwater plume is effectively contained	<input checked="" type="checkbox"/> Contaminant concentrations are declining

E. Monitored Natural Attenuation			
1.	Monitoring Wells (natural attenuation remedy)	<input type="checkbox"/> Properly secured/locked	<input checked="" type="checkbox"/> Functioning
		<input checked="" type="checkbox"/> All required wells located	<input type="checkbox"/> Needs Maintenance
		<input checked="" type="checkbox"/> Routinely sampled	<input checked="" type="checkbox"/> Good condition
			<input type="checkbox"/> N/A
Remarks: <u>Well SC3-4B has been paved over during construction and will need to be relocated and properly abandoned. The casing for replacement well SC3-5A (used for water level measurement only) needs to be cut to grade and the Christy box mounted over it.</u>			
X. OTHER REMEDIES		<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N/A
If there are remedies applied at the site which are not covered above, attach an inspection sheet describing the physical nature and condition of any facility associated with the remedy. An example would be soil vapor extraction.			
XI. OVERALL OBSERVATIONS			
A.	Implementation of the Remedy		
Describe issues and observations relating to whether the remedy is effective and functioning as designed. Begin with a brief statement of what the remedy is to accomplish (i.e., to contain contaminant plume, minimize infiltration and gas emission, etc.). <u>Currently, the remedy at the property is monitored natural attenuation of trichloroethylene (TCE) that is still detectable in groundwater from wells SC3-1, SC3-3, and SC3-7A. Only groundwater from SC3-3 is currently above the MCL of 5 µg/L. A deed restriction recorded for the site prohibits its use for residential purposes.</u>			
B.	Adequacy of O&M	<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N/A
Describe issues and observations related to the implementation and scope of O&M procedures. In particular, discuss their relationship to the current and long-term protectiveness of the remedy. _____ _____ _____ _____ _____ _____			

C. Early Indicators of Potential Remedy Problems <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A
Describe issues and observations such as unexpected changes in the cost or scope of O&M or a high frequency of unscheduled repairs, that suggest that the protectiveness of the remedy may be compromised in the future. <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
D. Opportunities for Optimization <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A
Describe possible opportunities for optimization in monitoring tasks or the operation of the remedy. <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

INTERVIEW RECORD

Site Name: Intel Corporation, Santa Clara III (SC3)		EPA ID No.: CAT000612184	
Subject: Site Groundwater Monitoring Wells		Time: 11:00 am	Date: 1/7/11
Type: <input type="checkbox"/> Telephone <input checked="" type="checkbox"/> Visit <input type="checkbox"/> Other		<input type="checkbox"/> Incoming <input checked="" type="checkbox"/> Outgoing	
Location of Visit: Intel Corporation, Santa Clara III (SC3)			

Contact Made By:

Name: Peggy Bloisa	Title: Project Geologist	Organization: Camp, Dresser & McKee, Inc. (CDM)
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Individual Contacted:

Name: Richard Makdisi	Title: President	Organization: Stellar Environmental Solutions, Inc.
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Telephone No: (510) 644-3123	Street Address: 2198 Sixth Street #201
Fax No: (510) 644-3859	City, State, Zip: Berkeley, CA 94710
E-Mail Address: rmakdisi@stellar-environmental.com	

Summary of Conversation

- Stellar Environmental is the consultant conducting the groundwater monitoring to assess the progress of the monitored natural attenuation remedy.
- Four site wells (SC3-1Rep, SC3-3, SC3-5ARep, and SC3-7ARep) were looked at during the site inspection. All but SC3-3 are replacements of wells that had been located in areas of construction. The casing for replacement well SC3-5A (used for water level measurement only) had not yet been cut to grade and the Christy box (that was sitting next to the well casing stick-up) mounted over it. Well SC3-4B has been paved over during construction and needs to be relocated and properly abandoned. Only groundwater from SC3-3 is currently above the MCL of 5 µg/L for TCE.