



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

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<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

Date: June 20, 2008
File No. 43S1118 (mej)

Ms. Leslie Maslowski
Director of Finance
KNTV
2450 North First Street
San Jose, CA 95131

Subject: No Further Action, 645 Park Avenue, San Jose, Santa Clara County

Dear Ms. Maslowski:

This letter confirms the completion of site investigation and remedial action for the detection of chemicals at the subject site.

There have been three investigations of the subject site. These investigations included more than 40 soil borings and the installation and sampling of six monitoring wells on this approximate 1.5 acre site. The reports and/or data compilations concerning these investigations are listed on the attached Case Closure Summary that, by this reference, is made a part of this letter. The information contained in all of the documents listed on the Case Closure Summary form the basis for this letter and the determination that no further actions are needed. The investigations detected elevated concentrations of arsenic in soil, which in two areas of the site, required remediation. These areas have been referred in the reports as the "Areas Requiring Remediation" ("ARR"). Elevated concentrations of lead were also detected in soil at some areas of the site. While such concentrations do not pose a significant health threat, they may require special handling and disposal if removed from the site. There is no obvious origin of these contaminants on the site. Based on the data collected, groundwater pollution is not a concern at the site.

The soil at the ARRs was excavated in accordance with the June 6, 2008, Preliminary Workplan, which was approved by Water Board staff and is listed on the Case Closure Summary. The ARR remediation report, also listed on the Case Closure Summary, demonstrates that the excavation work was conducted in conformance with the approved Workplan and with other applicable requirements under environmental laws. A Site Management Plan (SMP), dated June 18, 2008, has been created and is hereby approved by Water Board staff. The SMP sets forth instructions for the future management of site, during demolition, development and post development. Among other things, the RMP addresses proper evaluation and disposal of soil containing levels of lead that, if removed from the site, may require such proper handling and disposal. The SMP

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also sets forth protocols to be followed during demolition activities to screen for any additional pollution which may be present on the site.

Water Board staff understand that the site will likely be converted into high-density housing, commercial, industrial, office or a mixed-use development. Based upon the available information, considering the property will not be used for single family or two family housing subdivision with separate backyards and with the provision that the information provided to this agency was accurate and representative of site conditions, no further action related to pollutant releases at the subject site is required, other than compliance with the June 18, 2008, SMP. Further, all existing monitoring wells should be properly destroyed in accordance with permit requirements. When completed, please submit appropriate documentation to this agency as to their proper destruction.

If you have any questions, please contact Mark Johnson of my staff at (510) 622-2493 [e-mail mjohnson@waterboards.ca.gov].

Sincerely,

Bruce H. Wolfe
Executive Officer

Attachment
cc w/attach:

Edward Firestone, Esq. Efirestone@aol.com

Kurt Soenen, Cornerstone, ksoenen@cornerstoneearth.com

Tom Murtha, San Jose Redevelopment Agency, Tom.Murtha@sanjoseca.gov

Peter Greenspan, NBC Universal, Peter.Greenspan@nbcuni.com

CASE CLOSURE SUMMARY

I. AGENCY INFORMATION

Date: 6-20-08

Agency Name: SF Bay Regional Water Quality Control Board	Address: 1515 Clay Street, Suite 1400
City/State/Zip: Oakland, CA 94612	Phone: 510-622-2300
Responsible Staff Person: Mark E. Johnson	Title: Engineering Geologist

II. SITE INFORMATION

Former KNTV office/studio				
Site Facility Address: 645 Park Avenue, San Jose, CA				
RB Case No.: 43S1118 (mej)		Local Case No.: NA		Priority: NA
Responsible Parties				
KNTV, Inc., 2450 North First St., San Jose, CA 95131; (408) 432-6221				
Tank No.	Size in Gallons	Contents	Closed In—Place/Removed?	Date
N/A				

III. RELEASE AND SITE CHARACTERIZATION INFORMATION

Cause and Type of Release: Unknown		
Site characterization complete? Yes	Date Approved by Oversight Agency: June 2008	
Monitoring wells installed? Yes	Number: 6	Proper screened interval? Yes
Highest GW Depth Below Ground Surface: 11	Lowest Depth: 25.5	Flow Direction: SW
Most Sensitive Current Use: groundwater not used at this site		
Most Sensitive Potential Use and Probability of Use Drinking water/low probability of use		
Are drinking water wells affected? No	Aquifer Name: NA	

Is surface water affected? No		Nearest surface water name: NA							
Off-Site Beneficial Use Impacts (Addresses/Locations): None									
Report(s) on file? Yes					Where is report(s) filed? Water Board				
TREATMENT AND DISPOSAL OF AFFECTED MATERIAL									
Material		Amount (Include Units)		Action (Treatment or Disposal w/Destination)				Date	
Tanks		NA							
Piping		NA							
Free Product		NA							
Soil		Approx 250 tons		Disposal at Altamont Landfill, class 2				6-20-08	
Groundwater		NA							
Barrels		NA							
MAXIMUM DOCUMENTED POLLUTANT CONCENTRATIONS—BEFORE AND AFTER CLEANUP									
POLLUTANT	Soil (ppm)		Water (ppb)		POLLUTANT	Soil (ppm)		Water (ppb)	
	Before	After	Before	After		Before	After	Before	After
As	170 28*	11*							
Pb	640	185							
Comments (Depth of Remediation, etc.):									
* 95% UCL									

IV. CLOSURE

Does completed corrective action protect existing beneficial uses per the Regional Board Basin Plan? Yes
Does completed corrective action protect potential beneficial uses per the Regional Board Basin Plan? Yes

VI. ADDITIONAL COMMENTS, DATA, ETC.

The site will likely be purchased by the San Jose Redevelopment Agency for conversion into high-density housing, commercial, industrial, office or mixed-use development. Such uses are appropriate. Residual levels of lead in soil will be managed via the June 18, 2008, Site Management Plan. While the residual lead levels may not pose a significant health risk for such a development, they may exhibit leachable concentrations that exceed Soluble Threshold Limit Concentrations (STLC), requiring disposal as a hazardous waste in California.

This document and the related CASE CLOSURE LETTER shall be retained by the lead agency as part of the official site file.