

17 April 2017

Skyler Valle
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, California 94612

Subject: Submittal of Site History Information
35 Delmas Avenue, San Jose, Santa Clara County, California

Dear Ms. Valle,

Diridon Station Joint Venture, LLC (DSJV) is submitting this letter to the San Francisco Bay Regional Water Quality Control Board (RWQCB) to provide site history information for the subject property located at 35 Delmas Avenue, San Jose, Santa Clara County, California. This letter is being submitted as requested by the RWQCB per their 16 March 2017 letter to DSJV.

To provide a brief overview, the subject property is contained within the larger Diridon Station/Delmas Avenue Redevelopment Project area, which encompasses approximately 8.3 acres of land on both the east and west sides of Delmas Avenue (Figure 1). DSJV recently purchased this land in 2015, including the subject property, and is currently planning its redevelopment with the City of San Jose. As part of their planning, DSJV retained Haley & Aldrich, Inc. (Haley & Aldrich) to perform both a Phase I and II Environmental Site Assessment (ESA), whose findings are documented in Haley & Aldrich's Phase I ESA, dated 11 November 2015, and Phase II ESA, dated 12 November 2015. The Phase II ESA did not identify subsurface soil or groundwater impacted with chlorinated volatile organic compounds, including the dry cleaner solvent tetrachloroethylene (PCE). The findings of the Phase II ESA did result in requirements from the City of San Jose to mitigate the shallow soil conditions, primarily due to elevated lead concentrations, and therefore, DSJV entered in to Santa Clara County Department of Environmental Health's (SCCDEH) Voluntary Cleanup Program under Case No. 2016-33s. A Site Management Plan, dated 10 August 2016, was prepared by Haley & Aldrich for DSJV for this redevelopment project and subsequently approved by the SCCDEH on 17 October 2016.

Presented below are responses to the specific items requested in the RWQCB's letter.

1. DSJV purchased the subject property on 09/23/2015 and still currently owns this property.
2. No dry cleaner operations have been conducted on the subject property during the time of DSJV's ownership. Based on the information obtained for the preparation of the Phase I ESA, a steam laundry was formerly operated at 35 Delmas Avenue, with the building containing these operations removed sometime prior to 1993. The location of the subject property is currently an asphalt paved parking lot.

3. DSVJ purchased the subject property from Adobe Systems Inc.
4. Unavailable.
5. Unavailable.
6. There is no pending dry cleaner spill litigation involving DSVJ for the subject property.
7. The three referenced Haley & Aldrich documents are available for review on the State Water Resources Control Board's GeoTracker online system, under Global ID No. T10000009352.
8. Please refer to referenced Haley & Aldrich documents.
9. See below.

I declare, under penalty of perjury, that the information provided above in this letter is full, true, and correct, to the best of my knowledge.

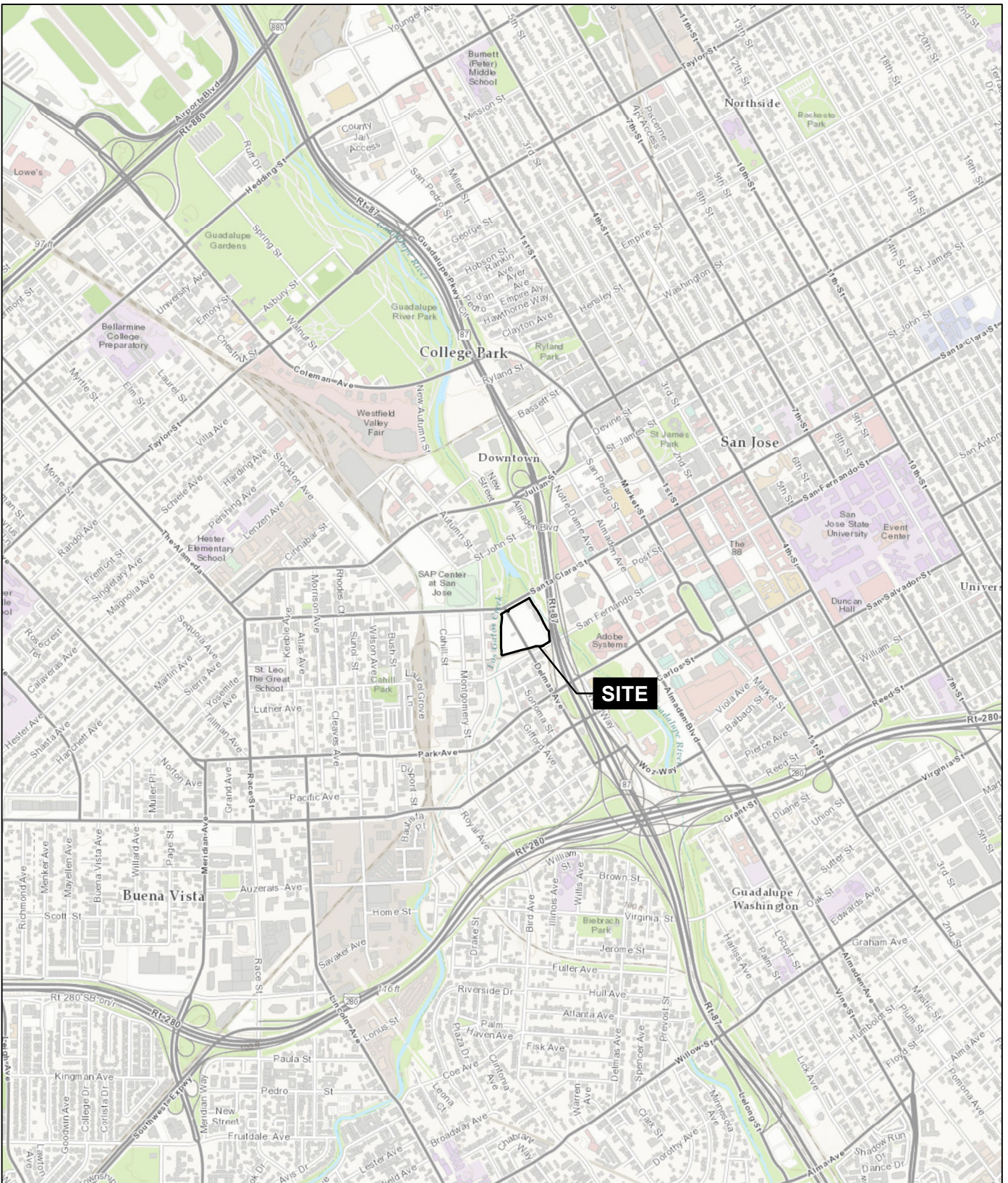
Please call me at 415.772.0294 should you require further information regarding the subject property or have any questions on the responses provided in this letter

Sincerely yours,
Diridon Station Joint Venture, LLC

A handwritten signature in black ink, appearing to read "Clyde F. Wright". The signature is stylized with a large, looped "C" and "W".

Clyde F. Wright, AIA
Senior Vice President

GIS FILE PATH: \\wnc\common\42237_TCC_Aldrich\GIS\Mapa\2016_08\SMP\42237_504_0001_SITE_LOCATION.mxd — USER: amcclure — LAST SAVED: 8/15/2016 1:57:49 PM



MAP SOURCE: ESRI
USGS QUAD: SAN JOSE WEST
SITE COORDINATES: 37°19'53"N, 121°53'53"W

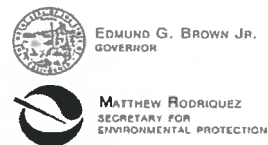
**HALEY
ALDRICH**

DELMAS AVENUE
SAN JOSE, CALIFORNIA

SITE LOCATION

APPROXIMATE SCALE: 1 IN = 2000 FT
AUGUST 2016

FIGURE 1



San Francisco Bay Regional Water Quality Control Board

March 16, 2017

File No. T10000008199 (SMV)

certified Mail No: 7015 0640 0001 7130 1145

Diridon Station Joint Venture, LLC
c/o Trammell Crow Company
101 California Street, 22nd Floor
San Francisco, CA 94111
dlittle@trammellcrow.com

SUBJECT: Property at 35 Delmas Avenue, San Jose, Santa Clara County - Requirement for Technical Report on Site History

Dear Property Owner:

This letter requires that you submit site-history information for the subject property. As explained below, this information will assist Regional Water Board staff with its investigation of groundwater pollution in the vicinity.

Requirement Rationale

Based on a 2007 Santa Clara Valley Water District Study, Exchange Linen Service dry cleaning facility had been operating at the subject property for over 28 years beginning in 1947 (Santa Clara Valley Water District, "Study of Potential for Groundwater Contamination from Past Dry Cleaner Operations in Santa Clara County," undated (circa 2007), posted on Water Board's website at: http://www.waterboards.ca.gov/sanfranciscobay/publications_forms/documents/SCVWD_dry_cleaner_study_2007.pdf). Dry cleaning solvent handling practices at that time often resulted in releases of the solvent tetrachloroethene to the subsurface resulting in groundwater pollution. The 2007 study finds that approximately 75% of former dry cleaners have experienced solvent releases that have impacted soil and/or groundwater (see page 9 and Schmidt 2001 reference).

The Regional Water Board needs the report on site history to evaluate the potential for the subject property to pollute groundwater in this area, which is a potential source of drinking water. This property overlies the Santa Clara Valley groundwater basin, which is heavily used as a source of drinking water. We are sending this letter to Diridon Station Joint Venture, LLC because it is the current owner of the property where the dry cleaner operated.

You are required to submit a technical report containing the following information by May 1, 2017:

1. The period of time that Diridon Station Joint Venture, LLC has owned the property.

2. For each operator that has operated at the site during the period in item #1, a description of:
(a) the period of time that they operated at the property, (b) the operator's name and current mailing address, (c) a contact person and their current phone number, and (d) the nature of the operator's business.
3. The name, current mailing address, contact person, current phone number, and nature of the business (if known) for the prior property owner.
4. The name, current mailing address, contact person, current phone number, and nature of the business for any other prior property owners or operators, to the extent that this information is known or reasonably available.
5. The location of utility lines on the property (e.g., sanitary sewer, storm drain), to the extent that this information is known or reasonably available.
6. A description of any pending dry-cleaner-spill litigation involving Diridon Station Joint Venture, LLC including:
 - names and contact information for the attorneys for each party to the litigation
 - copies of depositions and responses to interrogatories with regard to this litigation
 - copies of applicable insurance policies (to the extent that this information is known)
7. Any reports prepared to investigate or evaluate the environmental conditions at the property.
8. A description of the sources consulted to respond to the above items (e.g., written records, former employees, local agency files).
9. A statement that the information provided in response to the above items is full, true, and correct, under penalty of perjury.

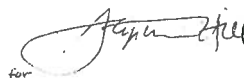
This requirement for a report is made pursuant to Water Code Section 13267, which allows the Regional Water Board to require technical or monitoring program reports from any person who has discharged, discharges, proposes to discharge, or is suspected of discharging waste that could affect water quality. Attachment 1 provides additional information about Section 13267 requirements. Attachment 2 provides answers to frequently asked questions about dry cleaners. Any extension in the above deadline must be confirmed in writing by Regional Water Board staff.

Submit the site history report to the following address:

Regional Water Quality Control Board
Attention: Skyler Valle
1515 Clay Street, Suite 1400
Oakland, CA 94612
Or to: skyler.valle@waterboards.ca.gov

If you have any questions, please contact Skyler Valle of my staff at (510) 622-2350 [e-mail skyler.valle@waterboards.ca.gov].

Sincerely,



Digitally signed by Stephen Hill
Date: 2017.03.16 08:28:18
-07'00'

Bruce H. Wolfe
Executive Officer

Attachments: 1) Section 13267 Fact Sheet
2) Frequently Asked Questions About Dry Cleaners

cc w/attachments: Ken Davies, City of San Jose (Ken.Davies@sanjoseca.gov)
George Cook, Santa Clara Valley Water District (gcook@valleywater.org)

Fact Sheet – Requirements for Submitting Technical Reports Under Section 13267 of the California Water Code

What does it mean when the Regional Water Board requires a technical report?

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged or discharging, or who proposes to discharge waste...that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

The requirement for a technical report is a tool the Regional Water Board uses to investigate water quality issues or problems. The information provided can be used by the Regional Water Board to clarify whether a given party has responsibility.

Are there limits to what the Regional Water Board can ask for?

Yes. The information required must relate to an actual or suspected or proposed discharge of waste (including discharges of waste where the initial discharge occurred many years ago), and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The Regional Water Board is required to explain the reasons for its requirement.

What if I can provide the information, but not by the date specified?

A time extension may be given for good cause. Your request should be promptly submitted in writing, giving reasons.

Are there penalties if I don't comply?

Depending on the situation, the Regional Water Board can impose a fine of up to \$5,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information or fails to comply with a requirement to submit a technical report may be found guilty of a misdemeanor. For some reports, submission of false information may be a felony.

Do I have to use a consultant or attorney to comply?

There is no legal requirement for this, but as a practical matter, in most cases the specialized nature of the information required makes use of a consultant and/or attorney advisable.

What if I disagree with the 13267 requirements and the Regional Water Board staff will not change the requirement and/or date to comply?

You may ask that the Regional Water Board reconsider the requirement, and/or submit a petition to the State Water Resources Control Board. See California Water Code sections 13320 and 13321 for details. A request for reconsideration to the Regional Water Board does not affect the 30-day deadline within which to file a petition to the State Water Resources Control Board.

If I have more questions, whom do I ask?

Requirements for technical reports include the name, telephone number, and email address of the Regional Water Board staff contact.

Revised March 2014

¹ All code sections referenced herein can be found by going to <http://leginfo.ca.gov/faces/codes.xhtml>.

Attachment 2: Frequently Asked Questions about Dry Cleaners

Why is the Regional Water Board investigating dry cleaners?

Studies have identified former and current dry cleaners as potential sources of groundwater pollution in California and across the country. Groundwater in the San Francisco Bay region is heavily used as a source of drinking water.

How could chemical spills have occurred at dry cleaners?

Chemical spills could have occurred due to a variety of factors including sloppy handling, dumping out the back door, equipment malfunction, or disposing of chemicals to sewer lines that leak.

What are the potential problems when dry cleaning chemicals are discharged to the environment?

The toxic chemicals travel into the underlying soil and groundwater and may cause health concerns from drinking contaminated groundwater or contacting contaminated soil. The chemicals may also evaporate from soil and groundwater and then travel into indoor air (a process called vapor intrusion) and cause health concerns from breathing contaminated air.

Is the current property owner responsible for a current or former operator's discharges?

Yes. Under the California Water Code, the current property owner is always responsible for pollution at the property. Operators who discharged chemicals and former owners at the time of the discharge are also responsible. However, sometimes these persons are no longer living or lack financial resources.

Where can I look for information about past operators?

Usually the city or county keeps permitting records for businesses that operated in its jurisdiction.

Where can I look for information on past property owners?

The county assessor's office may keep records on prior property owners.

Where can I find information about utility lines at my property?

The city or county keeps maps of utilities in its jurisdiction.

If a dry cleaner operated at a property, what type of subsurface investigation may be required?

The owner first submits an investigation workplan for regulatory approval. The investigation usually includes an inspection of the facility and sampling of soil, soil gas, and groundwater.

If the investigation finds a discharge of chemicals, what needs to be done?

The source of the discharge must be stopped, and then the extent of the pollution must be defined and cleaned up if the levels are high enough to threaten human health or the environment.

If a discharge has occurred, is there financial assistance available?

If the owner lacks sufficient financial resources to pay for investigation and cleanup, financial assistance may be available through State grants. For more information see:

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/scap/

Is insurance available to pay for investigation and cleanup of dry cleaner sites?

If the owner or operator had an insurance policy that was written before 1985, the policy may pay for investigation and cleanup costs.