

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Roger Papler)
MEETING DATE: January 9, 2013

ITEM: **6B**

SUBJECT: **Intersil Corporation, Siemens Components, Inc., Alecta Real Estate USA, LLC, and MOF II Tantau Holdings, Inc., for the properties located at 10900 North Tantau Avenue and 19000 Homestead Road, Cupertino, Santa Clara County - Amendment of Site Cleanup Requirements**

CHRONOLOGY: August 1990 - Final Site Cleanup Requirements adopted

DISCUSSION: The Tentative Order (Appendix A) would amend the Board's existing cleanup order for the former Intersil/Siemens site to name the two current owners of the site. This site is a federal Superfund site located in Cupertino. Intersil and Siemens operated semiconductor manufacturing facilities at adjacent properties and released chlorinated solvents such as trichloroethene to soil and groundwater. Intersil and Siemens have been cleaning up chlorinated solvents at the site since the mid-1980s and are currently named as primarily responsible parties on the cleanup order.

The owner of the site at the time the cleanup order was adopted in 1990 was named as a secondarily responsible party on the cleanup order. Secondarily responsible status is reserved for land owners who did not operate the facility that caused a release. The cleanup order contains a provision that says the site owner will only be responsible for complying with the cleanup order if the primarily responsible party fails to do so.

The site has changed ownership several times since 1990. The Intersil property is now owned by Alecta Real Estate USA, LLC, and the Siemens property is now owned by MOF II Tantau Holdings, Inc. It is appropriate to amend the cleanup order to name the new property owners as secondarily responsible parties. Intersil and Siemens continue to be primarily responsible for investigation and cleanup of the site.

We circulated the Tentative Order for public comment and received no comments. Since its circulation, we have made minor editorial and formatting changes to the Tentative Order. We expect the Tentative Order to remain uncontested.

RECOMMEN-
DATION: Adopt the Tentative Order

FILE NOS.: 43S0064 and 43S0110

APPENDIX A: Tentative Order

APPENDIX A
Tentative Order

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

TENTATIVE ORDER

AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER NO. 90-119) for:

INTERSIL CORPORATION
SIEMENS COMPONENTS, INC.
ALECTA REAL ESTATE USA, LLC
MOF II TANTAU HOLDINGS, INC.

For the properties located at:

10900 NORTH TANTAU AVENUE
CUPERTINO, SANTA CLARA COUNTY

and

19000 HOMESTEAD ROAD
CUPERTINO, SANTA CLARA COUNTY

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

1. **Regional Water Board Order:** The Regional Water Board adopted site cleanup requirements for this site on August 15, 1990 (Order No. 90-119). Order No. 90-119 names Intersil Corporation, Siemens Components, Inc., and Vallco Park, Ltd., as dischargers. Order No. 90-119 sets cleanup standards and requires implementation of the dischargers' cleanup plans.
2. **Reason for Amendment:** Order No. 90-119 named Vallco Park, Ltd., as a secondarily responsible party because it was the owner of 10900 and 10950 North Tantau Avenue at the time Order No. 90-119 was issued. Vallco Park, Ltd., has since sold the property. Alecta Real Estate USA, LLC, purchased 10900 North Tantau Avenue (Former Intersil Property) in 2011 and is the current property owner. MOF II Tantau Holdings, Inc., purchased 19000 Homestead Road (Former Siemens Property) in 2010 and is the current property owner. Alecta Real Estate USA, LLC, and MOF II Tantau Holdings, Inc., should be named as secondarily responsible parties in place of Vallco Park, Ltd., for the Former Intersil Property and Former Siemens Property, respectively, based on their current status as property owners. Intersil Corporation and Siemens Components, Inc., continue to be primarily responsible for investigation and cleanup of the two properties.
3. **CEQA:** This action amends an order to enforce the laws and regulations administered by the Regional Water Board. Amendment of Order No. 90-119 is not a project as defined in the California Environmental Quality Act (CEQA). There is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs., tit. 14, §§ 15378 and 15061, subd. (b)(3).)

4. **Notification:** The Regional Water Board has notified the dischargers and all interested agencies and persons of its intent under California Water Code section 13304 to amend site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.
5. **Public Hearing:** The Regional Water Board, at a public meeting, heard and considered all comments pertaining to this amendment.

IT IS HEREBY ORDERED, pursuant to California Water Code section 13304, that Order No. 90-119 shall be amended as follows:

- 1) Alecta Real Estate USA, LLC, is hereby added to Order No. 90-119 in place of Vallco Park, Ltd., with respect to the Former Intersil Property, and MOF II Tantau Holdings, Inc., is hereby added to Order No. 90-119 in place of Vallco Park, Ltd., with respect to the Former Siemens Property. In the following sections, delete Vallco Park, Ltd., and insert Alecta Real Estate USA, LLC, (for the Former Intersil Property) and MOF II Tantau Holdings, Inc., (for the Former Siemens Property):
 - Page 1, listing of named dischargers
 - Page 15, Finding 29, third sentence
 - Page 16, sentence beginning with ‘IT IS HEREBY ORDERED’
 - Page 18, Provision C.3, second sentence
 - Page 24, Provision C.14
 - Page 24, Provision C.15
 - Page 24, Provision C.16
 - Self-Monitoring Program, Part B, Page 1, Heading
- 2) Page 15, Finding 27 shall be replaced with the following text: Siemens Components, Inc., Intersil Corporation, Alecta Real Estate USA, LLC, and MOF II Tantau Holdings, Inc., are responsible parties under the federal Superfund (CERCLA/SARA), provided Alecta Real Estate USA, LLC, is only responsible for the Former Intersil Property, and MOF II Tantau Holdings, Inc., is only responsible for the Former Siemens Property. The Siemens and Intersil properties are jointly listed as a Superfund site on the National Priorities List.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on _____.

Bruce H. Wolfe
Executive Officer

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FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

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