

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

TENTATIVE ORDER

AMENDMENT OF SITE CLEANUP REQUIREMENTS ORDER NO. R2-2005-0015 for:

**LIKA ENGINEERING, INC., LIKA CORPORATION, GOLDEN TECHNOLOGY, INC.,
EH INTERNATIONAL, INC., POLLACK AND POLLACK GENERAL PARTNERSHIP,
ROBERT S. POLLACK, MICHAEL A. POLLACK, MILAN MANDERIC, GORDANA
MANDERIC, VED KHOSLA, and SANTOSH**

For the property located at:

472 NELO STREET, 482 NELO STREET, 3459 EDWARD AVENUE, 3461 EDWARD AVENUE, 3465 EDWARD AVENUE, 3475 EDWARD AVENUE, 3479 EDWARD AVENUE, 3485 EDWARD AVENUE, 451 ALDO AVENUE, AND 455 ALDO AVENUE SANTA CLARA, 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 the above-referenced properties on April 28, 2005 (Order No. R2-2005-0015), which set forth cleanup standards and requires implementation of the dischargers' proposed remedial action plan.
2. **Reason for Amendment:** This order (Amendment) amends Order No. R2-2005-0015 to add Edward Avenue, LLC, as a discharger and to remove Robert S. Pollack as a discharger from Order No. R2-2005-0015. Edward Avenue, LLC, co-owns 3475 Edward Avenue along with Pollack and Pollack. As the co-owner of the property on which waste has been discharged and continues to migrate, Edward Avenue, LLC, has knowledge of the waste discharge and the ability to control it; therefore, it is permitting waste to be discharged where it is, or probably will be, discharged into waters of the state and create, or threaten to create, a condition of pollution or nuisance. Therefore, Edward Avenue, LLC, is a discharger under Water Code section 13304. This Amendment removes Robert S. Pollack because he is now deceased.
3. **California Safe Drinking Water Policy:** It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

4. **CEQA:** This Amendment is not a project as defined in the California Environmental Quality Act (CEQA) because it merely amends the entities and persons named in the Order and there is no possibility that the Amendment may have a significant effect on the environment. (Cal. Code Regs., tit. 14 §§ 15378 and 15061, subd. (b) (3).) Accordingly, this Amendment is not subject to CEQA.
5. **Notification:** The Regional Water Board has notified the dischargers and all interested agencies and persons of its intent under Water Code section 13304 to amend the Order and has provided them with an opportunity to submit their written comments.

IT IS HEREBY ORDERED, pursuant to sections 13304 and 13267 of the Water Code, that Order No. R2-2005-0015 shall be amended as follows:

- A. Findings 2 shall be revised as follows (stricken language is shown in ~~strikeout~~ and new language is shown in underline):

2. Site History: The site was agricultural prior to 1970, as indicated by aerial photography. In about 1971, the buildings that occupy the site were constructed under the ownership of Help Development Company. The property was sold to Milan and Gordana Manderic in about 1972. The Mandarics sold the property to Ved and Santosh Khosla in about 1981. Pollack and Pollack General Partnership bought the property from the Khoslas in October 1986. ~~Pollack and Pollack General Partnership currently owns the building.~~ In 2014, Edward Avenue, LLC, became a co-owner of the 3475 Edward Avenue, along with Pollack and Pollack.

- B. Findings 3 shall be revised as follows:

3. Named Dischargers: ~~Pollack and Pollack General Partnership, Robert S. Pollack,~~ and Michael A. Pollack are named as a dischargers because they own 3465 and 3475 Edward Avenue on which waste has been discharged and continues to migrate, owned the property after the time of the activity that resulted in the discharge, currently have knowledge of the discharge or the activities that caused the discharge, and have the legal ability to prevent the discharge. Edward Avenue, LLC, co-owns 3475 Edward Avenue, has knowledge of the continuing discharge and the ability to control it. Michael A. Pollack is the remaining partner ~~are the owners~~ of Pollack and Pollack General Partnership.

I, Eileen White, 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 _____.

Eileen White
Executive Officer

Compliance Notice: 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.