

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

TENTATIVE ORDER

RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER NOS. R2-2002-0082 and R2-2007-0004) for:

International Business Machines

For the property located at:

5600 COTTLE ROAD
SAN JOSE, 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 Orders:** The Regional Water Board adopted Site Cleanup Requirements Order No. R2-2002-0082 for the property located at 5600 Cottle Road in San Jose (Property) on August 20, 2002, and a subsequent amendment (Order No. R2-2007-0004) on January 23, 2007. The orders named International Business Machines as a discharger and rescinded a prior cleanup order (Order No. 88-157) adopted in 1988.
2. **Compliance with Board Orders:** Order No. R2-2002-0082 required the discharger to remediate soil and groundwater pollution at the Property. Order No. R2-2007-0004 added groundwater recharge requirements for the reinjection of treated groundwater at the Property. All requirements of the orders have been satisfactorily completed.
3. **Basis for Rescission:** Rescission of the orders is appropriate because soil and groundwater pollution has been adequately remediated to protect water quality, human health, and the environment. Pollutant sources included discharges from underground storage tank (UST) farms containing 65 USTs and from drums that were used to store solvents, petroleum products, and other volatile organic chemicals (VOCs). Six source areas were identified at the Property. The USTs were removed from the Property from 1981 to 1987, and approximately 23,000 cubic yards of contaminated soil was excavated and transported off site for disposal during the removal of the USTs. Contaminated groundwater was treated through groundwater extraction from 1983 to 2016. In-situ treatment of the contaminated groundwater through the injection of substrates to promote the

bioremediation of VOCs began in 2006, with injections occurring in 2006, 2008, 2010, and 2012. Soil vapor extraction was conducted between 1988 and 1996, removing 70,000 pounds of VOCs. The remediation at the Property has significantly reduced the groundwater contamination, which is expected to continue to decrease by natural attenuation. To address the remaining residual pollution, a deed restriction was recorded for the Property in 2004 that restricts sensitive land uses, the use of shallow groundwater, and depth of excavations without Water Board notification. The Regional Water Board also approved a site management plan on March 8, 2023, to address residual pollution.

4. **Human Right to Water:** 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 (Wat. Code, § 106.3; see also State Water Board Resolution No. 2016-0010.). The human right to water extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas. The rescission of the Orders will not affect the human right to water.
5. **CEQA:** This action rescinds an order to enforce the laws and regulations administered by the Regional Water Board. Rescission of the order 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. (California Code of Regulations, tit. 14, §§ 15378 and 15061, subd. (b)(3).)
6. **Notification:** The Regional Water Board has notified the discharger and all interested agencies and persons of its intent to rescind Water Code section 13304 site cleanup requirements for the discharge and has provided them with an opportunity to submit their written comments.

IT IS HEREBY ORDERED that Order Nos. R2-2002-0082 and R2-2007-0004 are rescinded.

Eileen M. White
Executive Officer