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Memorandum

To: Patty Monahan, Presiding Member
Kourtney Vaccaro, Associate Member

Date: March 29, 2022

From: California Energy Commission
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Subject: ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT PART 1 FOR THE SAN JOSE DATA CENTER SMALL POWER PLANT EXEMPTION PROCEEDING (19-SPPE-04)

The California Energy Commission staff hereby submits an addendum to the Final Environmental Impact Report (FEIR) Part 1 for the San Jose Data Center making minor modifications to mitigation measures **HAZ-1** and **HAZ-2** and references to these mitigation measures in the FEIR. The edits provide greater clarity to a mitigation measure, and do not add any significant new information.

This addendum makes edits to the text presented in **Sections 1.0 Summary**, page 1-18, and **4.9 Hazards and Hazardous Materials**, pages 4.9-8 and 4.9-11 through 4.9-14 in the FEIR Part 1, as shown below. Deletions are shown as ~~strikethrough~~ and additions are shown as underline text.

Pages 1-19 to 1-20 and 4.9-13 to 4.9-14:

HAZ-1: A Site Management Plan (SMP) shall be prepared and implemented and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations or the contaminated portions of the site shall be capped beneath the planned development under the regulatory oversight of the Santa Clara County Hazardous Materials Compliance Division (HMCD) or the California Department of Toxic Substances Control (DTSC). The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.

In addition, all contractors and subcontractors at the project site shall develop a Health and Safety Plan (HSP) specific to their scope of work and based upon the known environmental conditions for the site. The HSP shall be approved by the Director or Director's designee with the City of San Jose Department of Planning, Building and Code Enforcement (PBCE) and the

City of San Jose Environmental Services Department (ESD) and implemented under the direction of a Site Safety and Health Officer.

Components of the SMP shall include, but shall not be limited to:

- A detailed discussion of the site background;
- ~~Preparation of a Health and Safety Plan by an industrial hygienist;~~
- Notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction;
- Onsite soil reuse guidelines based on the California Regional Water Quality Control Board (RWQCB), San Francisco Bay Region's reuse policy;
- Sampling and laboratory analyses of excess soil requiring disposal at an appropriate off-site waste disposal facility;
- Soil stockpiling protocols; and
- Protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities.

~~**HAZ-2:** All contractors and subcontractors at the project site shall develop a Health and Safety Plan (HSP) specific to their scope of work and based upon the known environmental conditions for the site. The HSP shall be approved by the Director or Director's designee with the City of San Jose Department of Planning, Building and Code Enforcement (PBCE) and the City of San Jose Environmental Services Department (ESD) and implemented under the direction of a Site Safety and Health Officer.~~

Components of tThe HSP shall include, but shall not be limited to, the following elements, as applicable:

- Provisions for personal protection and monitoring exposure to construction workers;
- Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered;
- Procedures for the safe storage, stockpiling, and disposal of contaminated soils;
- Provisions for the onsite management and/or treatment of contaminated groundwater during extraction or dewatering activities; and
- Emergency procedures and responsible personnel.

The SMP and HSP shall be submitted to HMCD, DTSC, or equivalent regulatory agency for review and approval. Copies of the approved SMP and HSP shall be provided to the PBCE Supervising Environmental Planner and Environmental Services Department (ESD) prior to issuance of grading permits.

Page 4.9-8:

Operation

Less Than Significant Impact. The project would consist of 224 renewable natural gas-fired generators, each with a standby capacity of 1.50.45 MW and two administrative diesel-fired generators, rated 1.25 MW and 0.5 MW.

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These two Tier 4 diesel-fired administrative generators would use selective catalytic reduction (SCR) that injects a liquid-reductant through a special catalyst into the exhaust stream of the diesel engine. The reductant source would be called diesel exhaust fluid (DEF) which is a non-hazardous solution of 67.5 percent water and 32.5 percent automotive grade urea. The DEF consumption would vary depending upon the environment, operation, and duty cycle of equipment. The ~~1.250.45~~ 1.25 MW administrative diesel-fired generator consumes 5.1 gallons of DEF per hour or 214 gallons per year. The 0.5 MW diesel-fired generator consumes 1.7 gallons of DEF per hour or 71 gallons per...

Page 4.9-11 and 4.9-12:

Staff proposes mitigation measures requiring the preparation of a SMP to establish proper procedures to be taken when contaminated soil is found and how to dispose of the contaminated soil properly (~~HAZ-1~~) and a HSP to establish provisions for personal protection and procedures in the event that contaminated soil is encountered (~~HAZ-12~~). Staff concludes that with implementation of ~~HAZ-1~~ and ~~HAZ-2~~, impacts to the public or the environment due to contaminated soils, would be reduced to a less than significant level.