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## SJO4 PROPOSED REVISIONS TO HAZARDOUS MATERIALS PROJECT DESIGN MEASURES

Microsoft provides the following revisions to the Project Design Features (PDF) HAZ-1.1 and PDF HAZ-1.2 originally proposed in the Small Power Plant Exemption (SPPE) Application docketed on September 9, 2022 (TN245946) and further revised in the Revised Project Description docketed on April 2, 2024 (TN255061). The purpose of the proposed revisions is to further clarify the responsible agencies and the standards by which any remedial action would meet. Microsoft requests Staff consider these proposed revisions to PDF HAZ-1.1 and PDF HAZ-1.2 in its Draft Environmental Impact Report (DEIR) hazards analysis instead of the earlier versions. The following proposed revisions are provided in redline/strikethrough for Staff's review.

### **PDF HAZ-1.1:**

A Site Management Plan (SMP) shall be prepared for the Project Site if required, and implemented and any Contaminated soils found in Soils which exhibit detectable concentrations of contaminants at concentrations above applicable environmental screening levels (ESLs) developed by the San Francisco Bay, Regional Water Quality Control Board (SFBRWQCB) established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations, or the contaminated portions of the site above applicable ESLs shall be capped beneath the planned development under the regulatory oversight of the Santa Clara County Environmental Health Department (SCCDEH) Hazardous Materials Compliance Division (HMCD), SFBRWQCB or the California Department of Toxic Substances Control (DTSC). The contaminated soil above applicable ESLs removed from the site shall be hauled off-site and disposed of at a licensed non-hazardous or hazardous materials disposal site pending based on environmental testing of the soil.

If there are ~~no~~ contaminants identified in areas of the Project Site to be disturbed that exceed both published naturally occurring background levels and applicable environmental ESLs screening levels for construction workers, the the protection of future residential and commercial/industrial workers, published by the SFBRWQCB, Regional Water Quality Control Board, Department of Toxic Substances Control, and/or Environmental Protection Agency, the Project applicant shall ~~not~~ be required to prepare or and submit a the Site Management Plan. ~~to an oversight agency and instead shall only submit to the City prior to construction earthwork activities.~~

In addition, all contractors and subcontractors shall develop a Health and Safety Plan (HASP), if required specific to their scope of work and based upon the known environmental conditions. The HASP 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 (if required) shall include, but shall not be limited to:

- A detailed discussion of the site background;
- Notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction;
- Development of cleanup levels as based on Section 4.25.2.3 of the SFBRWQCB's The Water Quality Control Plan for the San Francisco Bay Basin (March 2023, Basin Plan);
- ~~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.

Components of the 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 HASP shall be submitted to SFBRWQCB, SCCDEH, HMCD, DTSC, or equivalent regulatory agency for review and/or approval (if required). Copies of the approved SMP and HASP shall be provided to the PBCE Supervising Environmental Planner and Environmental Services Department (ESD) prior to issuance of grading permits.

**PDF HAZ-1.2**

The discharge of any water from construction dewatering activities shall be required to comply with National Pollutant Discharge Elimination System (NPDES) permit requirements or wastewater discharge permit conditions to the sanitary sewer, which may involve installation of a treatment system(s) at the dewatering location. For short-term discharge (less than 1-year), a discharge permit shall be obtained from the City of San José's Watershed Protection Division and the water discharged to the sanitary sewer. For long term discharge (greater than 1-year), the Project applicant shall obtain a NPDES permit from the SFBRWQCB ~~California Regional Water Quality Control Board~~ for discharge to the storm system.

Both discharge permits require pre-testing of the water to determine if the water meets the respective City or ~~Regional Water Quality Control Board~~ SFBRWQCB's pollutant discharge limits. The water shall be analyzed by a State-certified laboratory for the suspected pollutants prior to discharge. Water that exceeds discharge limits (if any) shall be treated to reduce pollutant concentrations to acceptable levels prior to discharge. Based on the results of the analytical testing, the Project applicant shall work with the SFBRWQCB and the local wastewater treatment plant to determine appropriate disposal options and then implement same. A copy of the discharge permit or NPDES permit, whichever is applicable, shall be submitted to the Director of Planning or Director's designee prior to the start of construction.