Department of Toxic Substances Control

Yana Garcia
Secretary for
Environmental Protection

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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

November 21, 2025

Charlotte Yuen
Planner II
City of San Jose
200 E Santa Clara Street
San Jose, CA 95113
charlotte.yuen@sanjoseca.gov

RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR ADDITIONAL DIGESTER FACILITIES UPGRADES PROJECT DATED OCTOBER 24, 2025, STATE CLEARINGHOUSE NUMBER 2025101220

Dear Charlotte Yuen,

The Department of Toxic Substances Control (DTSC) received and reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for Additional Digester Facilities Upgrades Project (Project). The Project includes demolition of several existing structures within the Facility, including four existing digesters, to allow for construction of six new upgraded digesters. The new digesters would include digester covers, an upgraded gas mixing system, structural upgrades, and necessary piping and accessories (e.g., security lighting). Additional structures to be constructed as part of the Project include a new electrical building, two new digester overflow/stormwater pump stations, and associated overflow/stormwater pipelines. Fats, Oils, and Grease Receiving Facility. The Project would include a new medium-sized Fats, Oils, and Grease (FOG) receiving facility to receive and process FOG materials that are trucked to the Facility.

The proposed site lies within a DTSC inactive Voluntary Cleanup Agreement (VCA) site, Legacy Lagoon Biosolids. The Site is part of Water Pollution Control Plant,

serving San Jose, Santa Clara, Milpitas, Cupertino, Campbell, Los Gatos, Saratoga, and Monte Sereno. Between 1962 and 1974, biosolids were discharged to a series of lagoons on the Site and allowed to accumulate. These accumulated biosolids remain onsite and are referred to as the legacy biosolids. The City of San Jose (City) requested to investigate possible management/reuse options for these biosolids in order to free up the lagoon area for other purposes. This includes investigation of possible contamination. Project has been in an inactive status, pending on approval of City's Master Plan Environmental Impact Report.

Previously, this Project was going to develop the additional facilities on land where biosolids had been placed and the Project proponent had planned to enter into a VCA (name updated to Standard Voluntary Cleanup [SVA]), with DTSC to evaluate potential impacts in this area. DTSC recommends and requests consideration of the following comments:

1. The Project proponent should enter into an SVA at least a year before construction is expected to begin in order to evaluate potential contamination from past uses. To enter into an SVA, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: Request for Agency Oversight Application. Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact the relevant Regional Brownfield Coordinator for your Project.
2. If buildings or other structures are to be demolished on any Project sites included in the proposed Project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual.

3. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in DTSC's PEA Guidance Manual. Furthermore, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing soil/fill is necessary. To minimize the possibility of introducing contaminated soil/fill material, there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material is suitable for the intended land use. The sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

DTSC appreciates the opportunity to comment on the NOP of a DEIR for the Additional Digester Facilities Upgrades Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via our CEQA Review email for additional guidance.

Sincerely,

Tamara Purvis

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cc: (via email)

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