1. Response to Comment #1. I thought the idea was that the Applicant would have to address contaminants in soil at least to the extent necessary to ensure that these contaminants do not pose a significant risk to workers (construction, maintenance and operators) and/or to the environment prior to being allowed to construct their power generation facility. So, DTSC would require the recordation of appropriate land use restrictions if contaminants are left in the soil as part of this cleanup effort above levels safe for residential use. This would mean that the land use restrictions would need to be in place prior to the operation of the plant and must include a description of what was left behind and the appropriate restrictions (e.g., no residential land use, site must be capped with an impermeable surface to prevent water infiltration or site must be capped to prevent direct contact with soil and/or groundwater, etc.).

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2. It is DTSC's understanding that the Hayward Fire Department will be overseeing the characterization and cleanup of this Site. Given the response to comment #1, DTSC would like to recommend the preparation of two Soil Management Plans/Cleanup Plans and that would address the elements discussed in our initial comment. The first would address the additional site characterization activities discussed in the comments and those actions necessary for the development of the Site into a power generation facility. The second would cover the period of time during and following operation of the power generation facility.

DTSC also recommends that the Energy Commission require submittal of the two Plans approved by the Hayward Fire Department prior to authorizing the Applicant to begin the grading and other field construction activities associated with the project.

3. DTSC concurs with the Water Board's comments regarding the need to test the groundwater for constituents of concern.

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Comments" button on the Commenting toolbar to email
your comments to the
requestor.