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County of Santa Clara
Environmental Health

Hazardous Materials Compliance Division
1555 Berger Drive, Suite 300
San José, CA 95112-2716
(408) 918-3400
www.ehinfo.org/hazmat

June 24, 2026

SENT VIA ELECTRONIC MAIL ONLY

City of Cupertino
c/o Susan Michael
SusanM@cupertino.gov

Subject: Lawrence-Mitty Park and Trail
Lawrence Expressway and Mitty Way, San Jose, CA
APN: 375-21-001
Site Cleanup Program Case No. 2025-16s
GeoTracker ID No. T10000023716

Dear Ms. Michael:

Santa Clara County Environmental Health (EH) has reviewed the *Site Management Plan* (SMP), prepared by Cornerstone Earth Group and dated May 18, 2026. The SMP describes known contamination in relation to the planned Lawrence Mitty Park and Trail (LMPT) project described in Section 3 of the SMP, and it provides technical and operational requirements for managing known and unknown subsurface contamination that may be encountered during the site redevelopment project, including contaminated soil excavation, confirmation soil sampling, and additional measures to reduce construction worker and public exposure to the constituents of concern (COCs) during the LMPT project.

EH conditionally accepts the SMP with the following conditions.

TECHNICAL COMMENTS

1. Section 7 of the SMP proposes a remedial excavation and disposal of lead impacted soil in five identified soil management areas, with remedial objectives defined as Regional Water Quality Control Board (RWQCB) residential environmental screening levels (ESLs). The SMP also states that the remedial excavation of lead impacted soils will occur prior to beginning construction of the LMPT project. EH concurs with the remedial objectives and timing of the remediation.

2. The SMP includes methods and protocols for the collection of confirmation soil samples required to confirm that impacted soil with concentrations of lead above residential ESLs has been excavated. The number and locations of the confirmation soil samples must adequately demonstrate complete removal of all lead impacted soil exceeding residential ESLs both vertically and laterally. Confirmation soil sampling may be conducted prior to or following excavation. Pre-excavation confirmation soil sampling may assist with pre-determining the vertical and lateral extent of the excavations and refine the limits of the remedial excavations prior to mobilizing equipment to the site. Either option is acceptable, provided that an excavation completion report, which documents the excavations and confirmation soil sampling, is submitted to EH following completion of the remedial excavation. Proceeding without EH concurrence may

Board of Supervisors: Sylvia Arenas, Betty Duong, Otto Lee, Susan Ellenberg, Margaret Abe-Koga
County Executive: James R. Williams

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result in an additional excavation requirement if data do not adequately demonstrate removal of impacted soil to allow for unrestricted use.

CONDITIONS OF APPROVAL

1. This letter does not modify or relieve any additional requirements specified for this project by the City of Cupertino.

2. EH approval of the SMP is valid for 1 year from the date of this letter. If site grading and earthwork activities have not been initiated by June 24, 2027, you are required to notify EH and may be required to submit an updated SMP to EH for approval.

3. EH approval applies only to the proposed development as described in Section 3 of the SMP. If there are changes to the responsible party (City of Cupertino), the development plan, or the SMP referenced in this letter, you are required to notify EH in writing, and you may be required to submit an updated SMP to EH for approval.

4. A copy of the SMP must be reviewed by all applicable contractors prior to earthwork activities and must be kept on site and available at all times throughout the project. The Responsible Party shall ensure the SMP is reviewed and acknowledged by all applicable contractors prior to earthwork activities.

5. Site-specific worker safety requirements specified in the SMP are outside the scope of EH oversight; therefore, EH cannot approve or comment on its specific contents.

6. Soil exceeding residential RWQCB ESLs or hazardous waste thresholds shall not be reused on or off site and must be properly disposed at an appropriate waste disposal facility. Any soil planned for reuse on site must be analyzed and compared to RWQCB residential ESLs to verify its suitability for reuse on site.

7. Uniform Hazardous Waste Manifests shall accompany each load of hazardous waste and non-hazardous waste transported to the transfer facility and/or disposal facility in accordance with regulatory requirements. Final copies of each manifest are required to be included in the final completion report.

8. All import fill material requires prior approval from EH. Soil planned for import must be analyzed according to DTSC guidance and compared to RWQCB residential ESLs or appropriate background studies to verify its suitability for use on site. Laboratory analyses and a description of the soil source with figures shall be provided to EH for evaluation of soil selected for potential import.

9. You shall immediately notify the EH upon discovering any previously unidentified waste or contamination. Unanticipated conditions include the discovery of a pipeline, underground storage tank, or contamination at levels or in locations not described in the SMP.

10. Following the completion of all earthwork activities associated with the redevelopment, you are required to submit a final completion report. The completion report will include confirmation that activities were completed according to the SMP; include descriptions and justifications for any activities that varied from the SMP; include details of any removal of additional waste or

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contamination not previously identified, including copies of associated waste manifest(s); and include documentation of the source(s), analyses, volumes, and locations of any soil reused on site and any imported clean fill.

REQUIRED SUBMITTALS

Please submit the following documents to EH (Attn: Mr. Aaron Costa) via GeoTracker according to the following schedule:

Remedial Excavation Completion Report – November 20, 2026

SMP Completion Report – August 20, 2027

Technical reports are required pursuant to our authority under Section 101480 of the California Health and Safety Code. Each report shall include conclusions and recommendations for the next phases of work required to protect water resources, human health and safety, and the environment at the site. All required work shall be performed in a prompt and timely manner. Revisions to the schedule shall be requested at least two (2) weeks prior to the due date in writing with appropriate justification for the anticipated delays and a proposed revised schedule.

The California Business and Professions Codes (Sections 6735, 7835, and 7835.1) require work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments must be performed under the direction of an appropriately registered or certified professional.

PERJURY STATEMENT

All proposals and reports submitted to this office must be accompanied by a cover letter from the Responsible Party which states, at a minimum, the following:

"I declare, under penalty of perjury, that the information and/or recommendations contained in the attached proposal or report is true and correct to the best of my knowledge."

This letter must be signed by an officer or legally authorized representative of the Responsible Party.

ELECTRONIC DATA SUBMITTAL REQUIREMENTS

The Electronic Reporting Regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, CCR) require electronic submission of any report and data required by a regulatory agency for a cleanup site. You are required to complete electronic data submittal over the Internet to the case file established for the subject site in the State Water Resources Control Board (SWRCB) GeoTracker database. Once a report and data are successfully uploaded, as required, you have met the reporting requirement (i.e., the compliance measure for electronic data submittal are the actual uploads themselves).

Analytical data (including geochemical data) for all soil, vapor, and water samples that are collected for the purpose of subsurface investigation or remediation are required to be submitted in specified EDF format to GeoTracker. Groundwater, soil, and vapor samples include, but are not limited to, monitoring well samples, borehole samples, gas and vapor samples, groundwater grab samples, piezometer samples, stockpile samples, and samples from drinking water wells. Other electronic data submittal requirements

Docusign Envelope ID: 2002E554-7900-8E3D-80CD-A49A55B3CCC1

include boring logs and well screen intervals, depth to water data, locational data, elevation data, and site maps. For additional details, please visit the following GeoTracker Reporting Requirements webpage: www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/report_rqmts.html.

If you have any questions, please feel free to contact me at (408) 918-1954 or via email.

Sincerely,

Signed by:
Aaron Costa
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Aaron Costa
Supervising Hazardous Materials Specialist
Site Cleanup Program
aaron.costa@deh.sccgov.org

cc: Nick Brettner, Cornerstone Earth Group, nbrettner@cornerstoneearth.com
Peter Langtry, Cornerstone Earth Group, plangtry@cornerstoneearth.com
File – GeoTracker

Initial
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