

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

The Project's potential cumulative effects to the transportation network in the vicinity of the San Jose-Santa Clara Regional Wastewater Facility was an area of technical controversy. The City of San Jose has provided that there are a number of approved and planned projects as part of the City's capital improvement program that would all use the same roadway network, specifically Los Esteros and Zanker Roads, which have limited capacity as an existing two-lane road. Potential cumulative effects related to air quality in the area of the facility were also expressed. These potential cumulative effects have been addressed in the Final EIR.

Public and agency comments received on the Project's Draft EIR addressed the following potential effects:

- Special-status species documented in the Project area, including fish and invertebrates, birds, mammals, reptiles and amphibians, and plants.
- Open trenching and other Project activities within the Don Edwards SF Bay National Wildlife Refuge.
- Relationship of the Project to existing and planned data centers, perceived foreseeable impacts, and adequacy of alternatives.
- Conflicts with aboveground and below ground utilities and infrastructure.
- Construction-related significant, unavoidable air quality impacts.
- Unanticipated discoveries made in submerged State lands.
- Surface and groundwater resources related to dewatering activities & management, specifically the Niles Cone Subbasin, as well as inadvertent drilling fluid returns ("frac-out").
- Disturbance of contaminated soils.

Provide a list of the responsible or trustee agencies for the project.

California Department of Fish and Wildlife
California Department of Industrial Relations, Division of Occupational Safety and Health, Mining and Tunneling Unit
California Public Utilities Commission
California Office of Historic Preservation
California State Lands Commission
Department of Toxic Substances Control
Native American Heritage Commission
Regional Water Quality Control Board
San Francisco Bay Conservation and Development Commission
State Water Resources Control Board