STATE OF CALIFORNIA—ENVIRONMENTAL PROTECTION AGENCY PETE WILSON, Governor

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
400 P Street, 4th Floor
P.O. Box 806
Sacramento, CA 95812-0806
(916) 322-3501

December 2, 1993

Mr. Richard B. Currie
Union Sanitary District
37532 Dusterberry Way
Fremont, California 94536

REGULATORY STATUS OF SOILS EXCAVATED DURING REPLACEMENT OF OLD SEWER LINES

Dear Mr. Currie:

In response to your letter of July 22, 1993, the Department of Toxic Substances Control (Department) understands that the Union Sanitary District (USD) is seeking approval from the Department regarding the final disposition of contaminated soils which were excavated during installation of approximately 12,500 feet of 36-inch diameter pipe in the city of Newark. The particular situation which you presented in your letter involves excavation of soils, such as trenching operations for pipeline installation where the soils contain various industrial chemicals in concentrations that exceed Chapter 11, Title 22, California Code of Regulations toxicity limits for hazardous waste.

In the example that you cited in your letter and in your subsequent telephone conversation with Mr. Joe Horton of my staff on November 23, 1993, the soils from the installation of the approximately 12,500 feet of 36-inch diameter pipe are temporarily moved within the area of contamination and subsequently redeposited into the same excavated area. In this situation, such activity does not constitute disposal of a hazardous waste. Movement of wastes within an area of contamination does not constitute "land disposal" and, thus, does not trigger hazardous waste disposal requirements.

You stated in your letter and subsequent telephone conversation that you will meet the following conditions when placing the contaminated soil back into its original location:

a. USD will implement appropriate health and safety precautions to protect its employees and the public and prevent or minimize any exposure to potentially hazardous substances.

b. USD will determine the nature of the contaminant and assess the compatibility of the contaminant with the equipment that is being installed.

c. Excavated soils will be deposited back into the original excavation whenever possible.

d. Excavated soils will be deposited so that only clean soil is exposed at the surface of the excavation, to a depth of at least twelve (12) inches.

e. All displaced soil (that which cannot be placed back into the excavation) will be assessed to determine if it exhibits a characteristic specified in Chapter 11, Title 22, California Code of Regulations.

f. If the displaced soil is determined to be a hazardous waste, it will be managed in accordance with all applicable California and federal hazardous waste laws and regulations.

g. USD will provide written notification, all test results, and location of the potentially contaminated soil to the land owner and the Department's regional office located at 700 Heinz Avenue, Suite 200, Berkeley, California 94710. If it is determined that the contaminated soil is a threat or potential threat to public health and the environment, the Department may require that further action to remediate the contamination be taken.

Thus, the Department approves the USD's request to place the potentially contaminated soil excavated during the installation of the 12,500 feet of 36-inch diameter pipe into its original location provided that USD ensures that the suspected contaminated soil is not moved outside the area of contamination.

Should you have any questions regarding this letter, please contact Mr. Joe Horton at (916) 327-7732.

Sincerely,

Watson Gin, Chief
Permit Streamlining Branch
Hazardous Waste Management Program

cc: See next page.

cc: Ms. Charlene Williams, Chief
Permitting Branch
Department of Toxic Substances Control
700 Heinz Avenue, Bldg. F., Second Floor
Berkeley, California 94710

Ms. Patricia Barni
Acting Chief
Surveillance and Enforcement Branch
Department of Toxic Substances Control
700 Heinz Avenue, Bldg. F., Second Floor
Berkeley, California 94710

Ms. Barbara Coler, Chief
Site Mitigation Branch
Department of Toxic Substances Control
700 Heinz Avenue, Bldg. F., Second Floor
Berkeley, California 94710

Mr. Joe Horton
Treatment Standards Unit
Hazardous Waste Management Program
Department of Toxic Substances Control
P. O. Box 806
Sacramento, California 95812-0806

bcc: Mr. Ted N. Rauh
Deputy Director
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Mr. Larry Matz, Chief
Surveillance and Enforcement Branch
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Ms. Odette Madriago
Hazardous Waste Management Program
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Ms. Peggy Harris
Treatment Standards Unit
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

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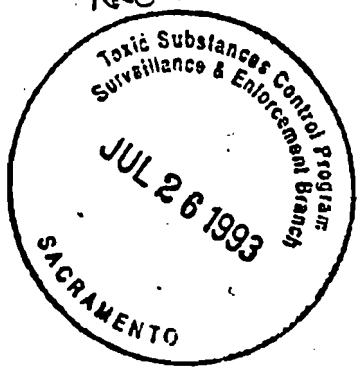
UNION SANITARY DISTRICT

FORWARD TO ODETTE & SGF NGF



July 22, 1993

Department of Toxic Substances Control
P.O. Box 806
Sacramento, Ca. 95812-0806

Attention: Mr. Ted N. Rauh
Deputy Director of Hazardous Waste
Management Program

Subject: Union Sanitary District Sewer Replacement Program
Handling of Contaminated Soils

Gentlemen:

Union Sanitary District is a special district located in Fremont, California serving the cities of Fremont, Union City and Newark in the East Bay. Our capital improvement program for the next several years involves the rehabilitation or replacement of several old sewer lines located in an industrial part of the District. As you can imagine, handling the associated contaminated soil and ground water has created great difficulties for our District, both on schedule and cost of our projects. For this reason, we read with great interest a letter from DTSC to Pacific Gas and Electric (PG & E) dated April 15, 1993, addressing the handling of contaminated soils excavated for installation of utilities.

We are currently designing a project in the City of Newark that involves the installation of approximately 12,500 feet of 36-inch diameter pipe at an estimated cost of $10 million. Our District has retained a consultant who has performed extensive testing and evaluation of contamination along potential alignments. We have reviewed the results with the Regional Water Quality Control Board, and the local water district and city authorities, and have selected a routing that will minimize potential contact with contaminated soils.

We respectfully request your consideration in allowing our District to backfill our trenches with material excavated from the pipeline trench. It is fully our intent to follow all the requirements outlined in your letter to PG&E; in fact, with our design 90% complete, our consultant has already addressed many of those issues in previous reports prepared for the project:

- Three potential routing alternatives were evaluated and the route of least contamination was selected in our Newark Sub-basin Study prepared in April of 1992. To further minimize the quantity of soil encountered, an alternative was developed which would include construction of a lift station to allow the downstream pipeline to be raised 10-15 feet, thus reducing the depth of excavation.

37532 Dusterberry Way
Fremont, CA 94536
(510) 790-0100 FAX (510) 795-0483

- Because we have identified contaminants along the alignment, the Specifications for the project will contain a requirement for the Contractor to provide the 40-hour training to its workers for OSHA Hazardous Materials Handling. In addition, the Contractor will be required to submit a Site Specific Health and Safety Plan. These recommendations were made in "Feasibility Study for Handling, Treatment and Disposal of Hazardous Materials Encountered During Construction," a report prepared for the District dated 6/93.

- USD's consultant has performed a sampling and analysis program along the alignment and has identified several contaminants which exceed State levels for STLC or TC. No samples exceeded TTLC values. These findings were made in a "Report of Subsurface Investigation to Evaluate the Occurrence And Concentration of Selected Chemicals in Soils and Ground Water Beneath the Proposed Newark Subbasin Relief Sewer...". None of the compounds identified would be incompatible with either Reinforced Concrete Pipe, Vitrified Clay Pipe, or any plastic pipe the District normally uses for its sewers.

- For contaminated soil requiring treatment or disposal, our consultant has recommended three alternatives for consideration in their draft report dated 6/93. USD would evaluate these alternatives for soil that would be displaced by the pipe.

- USD has already contacted the property owners adjacent to our pipeline alignment and informed them of our testing program.

While the project discussed above is much larger than most pipeline projects at the District and has required some extraordinary measures, our response to the potential for contaminated soils indicates our commitment to proper identification and handling of hazardous materials.

Our District finds itself in a difficult position of explaining to rate payers why our fees must increase to pay for handling of contaminated soils for which someone else was responsible. When the original source of contamination cannot be identified with certainty, however, it often falls on the public agency to pay the cost of clean-up. This can be the case even if the agency is just installing a pipeline to benefit its citizens. Should USD be given permission to backfill with native soil for this specific project and perhaps for future projects as well, we would reduce costs significantly, and help in achieving statewide goals for diversion of materials from landfills. Your consideration of this matter would be greatly appreciated. If we can provide you with additional information or if you have any questions, please feel free to call.

Very truly yours,

Richard B. Currie

Richard B. Currie
Engineering Manager

UNCONTESTED

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

EXECUTIVE OFFICER SUMMARY REPORT
MEETING DATE: September 13, 1995

ITEM: 5.N.

SUBJECT: IN-TRENCH REUSE OF CONTAMINATED TRENCH SPOILS FROM UTILITY EXCAVATIONS

CHRONOLOGY: The Board has not previously considered this subject.

DISCUSSION: Staff has received requests from Public and Private utility companies regarding guidance as to this Board's position on the re-use of trench spoils when soil contamination is encountered on properties other than their own. By necessity, some trenching activity involves a site where known contamination exists or where contamination is likely or is discovered.

In the absence of guidance on the subject from regulatory agencies, the company doing the trenching in a contaminated area would dispose of the trench spoils as a waste and re-fill the trench with clean material. This unfairly shifts an unnecessary and burdensome disposal cost to the utility company and in turn, contaminates otherwise clean material with the contaminant laden trench. Intuitively, this practice creates additional contamination and is counter to this Board's goals of reducing this State's overall contamination concerns.

Staff has prepared the attached memorandum outlining this Board's position on the subject. The memo is aligned with similar responses from DTSC and U.S. EPA.

RECOMM-DATION: Information Item. No Board action needed.

FILE NO. 1250.01(GVL)
Appendices: A. Re-use of Trench Spoils Memo
B. Supporting Documents

09/13 '95 19:08

REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
MEMORANDUM

TO: All Utilities, Public & Private

DATE: August 31, 1995
File No. 1250.01(GVL)

FROM: Stephen I. Morse
Acting Executive Officer

SUBJECT: In-Trench Reuse of Contaminated Trench Spoils from Utility Excavations

In response to requests pursuant to this Board's position on the subject, the following has been prepared. In general, this Board is not opposed to returning soil which was excavated from a utility's trenching operation under certain conditions outlined below. This position compliments Cal/EPA and US EPA, (see attached).

In order to minimize waste creation and since installation of utilities should not be construed as partial site remediation, the following are this Board's recommendations and guidance regarding the subject:

a. When performing installation, maintenance or repair work, every attempt possible should be made to avoid placement of utilities through known or suspected ground contaminated areas[1] prior to excavation.

b. Excavated soils when known to be, or found to be contaminated should be stored immediately adjacent to the excavation and placed back into the original excavation whenever possible and as soon as possible. If there exists a threat of rain, stockpiled soil should be protected from rain infiltration, erosion and runoff.

c. If a majority of the lateral extent of the contamination is within the bounds of the excavation, we request that you dispose of that soil at an appropriate land disposal or soil treatment facility.

d. In the event that contamination is encountered during excavation, notification must be made to this Board as well as the property owner and any other notifications as required by law[1].

e. If the site is determined to be contaminated, all equipment and material to be left in the excavation should be determined to be compatible with the contaminant(s)[1].

f. Excavated soils should be redeposited so that only clean soil is exposed at the surface of the filled excavation[1] or otherwise covered by concrete or asphalt pavement. Although there is no regulatory basis for the minimum thickness related to trench excavations, we recommend that the clean soil cover should be approximately six to twelve inches thick.

p.2 In-Trench Reuse of Contaminated Trench Spoils from Utility Excavations

g. The activity of excavating a trench and placing the contaminated soil back into the excavation from which it came generally does not constitute treatment, storage or disposal of a regulated waste. Therefore, that activity is not considered waste generation and does not constitute "land disposal" [2].

h. Contaminated soil moved during the course of excavation will not be considered a waste until backfilling of the excavation has been completed[1]. Trench spoils not used for backfilling are considered to be a waste unless reasonably likely to be non-contaminated or demonstrated to be inert.

i. All displaced soil (that which can not be placed back into the excavation), should be sampled, examined, analyzed, or otherwise assessed to determine if it[1] is a hazardous waste, designated waste, non-hazardous waste or is inert as defined by Chapter 15, Div. 3, of Title 23, CCR.

j. All waste material generated as a result of trench excavations, (see Item-i above), must be disposed of at a facility certified by the State to take that waste. The disposal of inert trench spoils, (§2524, Chapter 15, Div. 3, of Title 23, CCR), is generally not regulated, however sufficient sampling and analysis should be performed to verify that it is inert or that it is reasonable to believe that there is no contamination of concern.

1. Ronald Pilorin, DTSC, Senior Hazardous Materials Specialist, Waste Evaluation Unit; April 15, 1993;
2. Sylvia Lowrance, Director, USEPA, Office of Solid Waste; June 11, 1992.

Attachments (2)

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
400 P Street, 4th Floor
P.O. Box 806
Sacramento, CA 96812-0806
(916) 323-6042

HANK (2)
Van Dyke

April 15, 1993

Mr. Robert C. Karfiol, Supervisor
Environment Services Department
Pacific Gas & Electric Company
77 Beale Street
San Francisco, California 94122

REGULATORY STATUS OF SOILS EXCAVATED DURING INSTALLATION, MAINTENANCE, OR REPAIR OF UNDERGROUND EQUIPMENT

Dear Mr. Karfiol:

In response to your January 27, 1993, letter, the Department of Toxic Substances Control (Department) understands that the Pacific Gas & Electric Company (PG&E) is seeking approval from the Department regarding the final disposition of contaminated soils which are excavated during the installation, maintenance, or repair work. The work, performed by PG&E on property which not owned by PG&E, involves the installation, maintenance or repair of electrical or gas distribution or transmission facilities (pipelines, transmission cables and similar underground apparatus). It is the Department's understanding that in the course of these activities, soil is displaced, and that on some occasions the excavated soil is contaminated with hazardous substances. The Department approves of PG&E's request to place potential contaminated soil back into its original location, provided all of the following conditions are met by PG&E:

- When performing installation, maintenance or repair work, PG&E will make every attempt possible to conduct its activities outside areas of known or suspected contamination.
- If, during the course of the installation, maintenance or repair work, soil which has been excavated is determined to be contaminated, PG&E will implement appropriate health and safety precautions to protect its employees and the public and prevent or minimize any exposure to potentially harmful hazardous substances.
- If the soil is determined to be contaminated, PG&E must determine the nature of the contaminant and assess the compatibility of the contaminant with the equipment which is to be installed. Under no circumstances may PG&E install equipment into an area which contains incompatible contaminants.

8

- Excavated soils will be redeposited back into the original excavation whenever possible.
- Excavated soils shall be redeposited so that only clean soil is exposed at the surface of the filled excavation.
- All displaced soil (that which cannot be placed back into the excavation) must be sampled, examined, analyzed, or otherwise assessed to determine if it exhibits a characteristic specified in Chapter 11, Title 22, California Code of Regulations.
- In the event that contamination is encountered during excavation, PG&E must notify the property owner(s) of its findings. PG&E must also make any additional notifications as otherwise required by law.
- Nothing in this letter is intended to relieve PG&E of its obligations under Public Utilities Code Section 787 regarding excavations in public roads or highways.

To assist PG&E in managing the displaced soil, contaminated soil moved during the course of excavation will not be considered waste until backfilling of the excavation has been completed and excess soil is realized.

Should you have any questions regarding this letter, please contact me at (916) 322-9160.

Sincerely,

/S/

Ronald Pilorin
Senior Hazardous Materials Specialist
Waste Evaluation Unit
Office of Scientific Affairs

cc: Jeffrey J. Wong, Ph.D.
Science Advisor to the Director
Cal/EPA-DTSC

Tad N. Rauh
Acting Deputy Director
Cal/EPA-DTSC

Ramon Perez
Senior Staff Counsel
Cal/EPA-DTSC

Jim Perrell
Environmental Services Department
PG&E

California Environmental Protection Agency
Department of Toxic Substances Control

VARIANCE

Applicant Names:

Mr. Harry Yahata, District Director
State of California
Department of Transportation, District 4
(Caltrans)
111 West Grand Avenue
P.O. Box 23660
Oakland, California 94623-0660

Variance No. 00-H-VAR-01

Effective Date: September 22, 2000

Expiration Date: September 22, 2005

Modification History:

Pursuant to Section 25143 of the California Health and Safety Code, the Department of Toxic Substances Control hereby issues the attached Variance consisting of 8 pages to Department of Transportation District 04.

Frederick S. Moss
Chief, Permitting Division
Department of Toxic Substances
Control

Date: 9/22/00

VARIANCE

1. INTRODUCTION.

1.1 Pursuant to Section 25143, Chapter 6.5, Division 20 of the Health and Safety Code (HSC), the California Department of Toxic Substances Control (DTSC) grants a variance to the applicant below for waste considered hazardous solely because of its contaminant concentrations and as further specified herein.

1.2 DTSC hereby grants a variance only from the requirements specified herein and only in accordance with all terms and conditions specified herein.

2. IDENTIFYING INFORMATION.

APPLICANT/OWNER/OPERATOR

Mr. Harry Yahata, District Director
State of California
Department of Transportation, District 4 (Caltrans)
111 West Grand Avenue
P.O. Box 23660
Oakland, California 94623-0660

3. TYPE OF VARIANCE.

Generation, Manifest, Transportation, Storage and Disposal

4. ISSUANCE AND EXPIRATION DATES.

DATE ISSUED: September 22, 2000 EXPIRATION DATE: September 22, 2005.

5. APPLICABLE STATUTES AND REGULATIONS. The hazardous waste that is the subject of this variance is fully regulated under HSC, Section 25100, et seq. and Title 22 of the California Code of Regulations (CCR) Division 4.5 except as specifically identified in Section 8 of this variance.

6. DEFINITION. For the purposes of this variance, waste that meets the criteria in paragraphs a) and b) of section 9 below, shall be referred to as "lead-contaminated soil(s)".

7. FINDINGS/DETERMINATIONS. DTSC has determined that the variance applicant meets the requirements set forth in HSC Section 25143 for a variance from specific regulatory requirements as outlined in Section 8 of this variance. The specific determinations and findings made by DTSC are as follows:

a) Caltrans intends to excavate, stockpile, transport, bury and cover large volumes of soil associated with highway construction projects throughout the State. In the

more urbanized highway corridors this soil is contaminated with lead, primarily due to historic emissions from automobile exhausts. In situ testing has shown the uppermost two feet of soil have been found to contain concentrations of lead in excess of regulatory thresholds. However, DTSC has prepared a risk assessment that shows that soil contaminated with low concentrations of lead can be managed in a way that presents no significant risk to human health and the environment.

b) The lead-contaminated soil will be placed only in Caltrans rights of way. Based on concentration levels, the wastes will be covered with a minimum thickness of one (1) foot of non-hazardous soil or asphalt cover and will always be five (5) feet above the highest groundwater elevation. Caltrans will assure that proper health and safety procedures will be followed for workers. This includes any persons engaged in maintenance work in areas where the waste has been buried and covered.

c) DTSC finds and requires that the lead contaminated soil excavated, stockpiled, transported, buried and covered is a non-RCRA hazardous waste, and that the hazardous waste management activity is insignificant as a potential hazard to human health and safety and the environment, when managed in accordance with the conditions, limitations and other requirements specified in this variance.

8. PROVISIONS SUBJECT TO VARIANCE.

DTSC, subject to all terms and conditions herein, waives the hazardous waste management requirements of Title 22,CCR, sections 66264.250 through 66264.259, 22 CCR 66268.1 through 66268.9, 22 CCR 66262.10, 22 CCR 66262.12, 22 CCR 66262.20, 22 CCR 66262.30 through 66262.34, 22 CCR 66262.40 through 66262.42, 22 CCR 66263.10 through 66263.18 and 22 CCR 66263.20 through 66263.23 for the generation, transportation, manifesting, storage and land disposal of hazardous waste. These management requirements are only waived provided all other requirements of this variance are complied with at Caltrans construction projects in the Caltrans District specified in section 2 above.

9. SPECIFICATIONS OF THE CONDITIONS, LIMITATIONS, OR OTHER REQUIREMENTS. The owner/operator shall be subject to the following conditions:

a) Caltrans shall manage all soil contaminated with lead at concentrations such that it is considered a hazardous waste pursuant to HSC 25117 and 22 CCR, Div 4.5, Chapter 11, unless the contaminant concentrations and management practices meet the following conditions:

1. Soil containing 500 ug/l extractible lead or less (based on a modified waste extraction test using deionized water as the extractant) and 350 ppm or less total lead may be used as fill provided that the lead-contaminated soil is placed a minimum of five (5) feet above the maximum water table elevation and covered with at least one (1) foot of nonhazardous soil. The limit on total lead within shall be the following: Total parts per million (ppm) lead shall be at or below the statutory limits in effect when the soil is used as fill or the risk based limit of 1496mg/kg, whichever is less. On the effective date of this variance, HSC section 25157.8 limits total lead

concentrations to 350 ppm. That section may be amended and/or expire in the future. Additionally, other parts of relevant statutes may be added or amended in the future to include lead limits applicable to this variance.

2. Soil containing more than 500 ug/l and less than 50 mg/l extractible lead (based on a modified waste extraction test using deionized water as the extractant) and 350 or less ppm total lead may be used as fill provided that the lead-contaminated soils are placed a minimum of five (5) feet above the maximum water table elevation and protected from infiltration by a pavement structure which will be maintained by Caltrans. Caltrans shall comply with the lead limits discussed in paragraph a) 1 above.

3. Contaminated soil with a pH < 5.0 shall be used as fill material only under the paved portion of the roadway.

b) Caltrans will implement appropriate health and safety procedures to protect its employees and the public, and to prevent or minimize exposure to potentially hazardous substances. A project-specific health and safety plan must be prepared and implemented. The monitoring and exposure standards shall be based on Construction Standards in Title 22, CCR section 1532.1.

c) All lead-contaminated soil that cannot be buried and covered within the same Caltrans corridor from where it originated shall be managed as a hazardous waste.

d) Lead-contaminated soil will not be moved outside the designated corridor boundaries (see paragraph q) below).

e) Lead-contaminated soil shall not be buried in areas where it will be in contact with groundwater or surface water.

f) Lead-contaminated soil shall be buried and covered only in locations that are protected from erosion resulting from storm water run-on and run-off.

g) The lead-contaminated soil shall be buried and covered in a manner that will prevent accidental or deliberate breach of the asphalt, concrete, and/or cover soil.

h) The presence of lead-contaminated soil will be incorporated into the projects' as-built drawings. The as-built drawings shall be annotated with the location, representative analytical data, and volume of lead-contaminated soil. The as-built drawings shall also state the depth of the cover. These as-built drawings shall be retained by Caltrans until its rights-of-way or property ownership are relinquished.

I) Caltrans shall ensure that no other hazardous wastes, other than the lead-contaminated soil, are placed in the burial areas.

j) Lead-contaminated soil shall not be buried within ten (10) feet of culverts or locations subject to frequent worker exposure.

k) Excavated lead-contaminated soil not placed into the designated area (fill area, roadbed area) by the end of the working day shall be stockpiled and covered with sheets of polyethylene or at least one foot of non-hazardous soil. The lead contaminated soil, while stockpiled or under transport, shall be protected from contacting surface water and being dislodged or transported by wind or storm water. The stockpile covers shall be inspected at least once a week and within 24 hours after rainstorms.

l) Caltrans shall ensure that all stockpiling of lead contaminated soil remains within the specified corridor. Stockpiling of lead-contaminated soil outside the area of contamination is in direct violation of land disposal restrictions and is prohibited.

m) Caltrans shall conduct confirmatory sampling, if appropriate, of any stockpile area after removal of the lead- contaminated soil to ensure that contamination has not been left behind or has not migrated from the stockpiled material to the surrounding soils. Caltrans shall ensure that test results are kept with Caltrans project records located at the District office or a subsequent permanent location and are available to DTSC upon request.

n) Caltrans shall stockpile lead-contaminated soil only on high ground (i.e. no sump areas or low points) which will not be affected by surface water run-on or run-off.

o) Caltrans shall not stockpile soil in an environmentally sensitive area.

p) Caltrans shall ensure that run-off which has come into contact with stockpiled lead-contaminated soil will not flow to storm drains, inlets, or waters of the state.

q) Caltrans may move lead-contaminated soil from one Caltrans project to another Caltrans project so long as the lead-contaminated soil remains within the same designated Caltrans corridor. Caltrans shall record this movement of lead- contaminated soil by using a bill of lading. The bill of lading must contain: 1) US DOT description including shipping name, hazard class and ID number; 2) handling codes; 3) quantity of material; 4) volume of material; and 5) any specific handling instructions. The bill of lading shall be referenced in and kept on file with the project's as-built drawings. Lead-contaminated soil must be kept covered during transportation.

r) For each specific corridor where this variance is to be implemented, all of the following information will be submitted in writing to DTSC at least five (5) days before construction of any project begins:

1. a plan drawing designating the boundaries of the corridor where lead-contaminated soils will be excavated, stockpiled, buried and covered;

2. a list of the Caltrans projects that the corridor encompasses;

3. a list of Caltrans contractors that will be conducting any phase of work on any project affected by this variance;

4. duration of corridor construction;

5. location where sampling and analytical data used to make lead concentration level determinations are kept (e.g. a particular Caltrans project file);

6. name and phone number (please include area code) of project resident engineer and project manager;

7. location where Caltrans and contractor health and safety records are kept;

8. location of project special provisions (including page or section number) for soil excavation, transportation, stockpile, burial and placement of cover material;

9. location of project drawings (including drawing page number) for soil excavation, burial and placement of cover in plan and cross section (For example, "The project plans are located at the resident engineer's office located at 5th and Main Streets, City of Fresno,. See pages xxxxx of contract xxxx");

10. If a Caltrans project within the corridor is added, changed or deleted, Caltrans must update the information provided to DTSC five (5) days before construction begins; and

11. The type of environmental document for each project, date of adoption, document title, Clearing House number and where the document is available for review. A copy of the Notice of Exemption for any project shall be submitted to the DTSC Headquarters Project Manager within five (5) days of signing.

s) Changes in location of lead-contaminated soil placement, quantities or protection measures (field changes) will be noted in the resident engineer's project log within five (5) days of the field change.

t) Caltrans shall ensure that field changes are in compliance with the requirements of this variance.

u) If areas subject to the terms of this variance are sold, relinquished or abandoned (including roadways), all future property owners shall be notified in writing in advance by Caltrans of the requirements of this variance, and Caltrans shall provide the owner with a copy of the variance. A copy of such a notice shall be sent to and contain the corridor location and project. Caltrans shall also disclose to the new owner the location of areas where lead contaminated soil has been buried. Future property owners will be subject to the same requirements as Caltrans retains the right to modify or revoke this variance pursuant to HSC 25143 upon a change of ownership or at any other time.

v) For the purposes of informing the public about instances where the variance is implemented, Caltrans shall:

1. Maintain current fact sheets at all Caltrans resident engineer offices and the Caltrans District office. Caltrans shall make the fact sheets available to anyone expressing an interest in variance-related work.

2. Maintain a binder(s) containing copies of all reports submitted to DTSC at the District office. Caltrans shall ensure that the binders are readily accessible to the public.

3. Carry out the following actions when it identifies additional projects:

(A) Notify the public via a display advertisement in a newspaper of general circulation in that area.

(B) Update and distribute the fact sheet to the mailing list and repository locations.

w) Caltrans implementation of this variance shall comply with all applicable state policies for water quality control, water quality control plans, waste discharge requirements (including storm water permits), and others issued by the State Water Resources Control Board or a California Regional Water Quality Control Board.

x) This variance is applicable only to soil considered hazardous because of aerially-deposited lead contamination. The variance is not applicable to any other hazardous waste.

y) Lead-contaminated soil may be buried only in areas where access is limited or where lead-contaminated soil is covered and contained by a pavement structure.

1) Dust containing lead-contaminated soil must be controlled. Water or dust palliative may be applied to control dust. If visible dust migration occurs, all excavation, stockpiling and truck loading and burying must be stopped. The granting of this variance confers no relief on Caltrans from compliance with the laws, regulations and requirements enforced by any local air district or the California Air Resources Board.

2) Sampling and analysis is required to show the lead contaminated soil meets the variance criteria specified in a). All sampling and analysis must be done according to U.S. EPA subsection SW-846.

z) All correspondence shall be directed to the following office:

Frederick S. Moss, Chief
Permitting Division
Department of Toxic Substances Control
400 P Street, 4th Floor
P.O. Box 806
Sacramento, CA 95812-0806

Attn: Caltrans Lead Variance Notification Unit

10. DISCLAIMER.

10.1 The issuance of this variance does not relieve Caltrans of the responsibility for compliance with Division 20, Chapter 6.5, HSC, or the regulations adopted thereunder, and any other laws and regulations other than those specifically identified in Section 8 of this variance. Caltrans is subject to all terms and conditions herein. The granting of this variance confers no relief from compliance with any federal, state or local requirements other than those specifically provided herein.

10.2 The issuance of this variance does not release Caltrans from any liability associated with the handling of hazardous waste, except as specifically provided herein and subject to all terms and conditions of this variance.

11. VARIANCE MODIFICATION OR REVOCATION. This variance is subject to review at the discretion of DTSC and may be modified or revoked at any time pursuant to Health and Safety Code section 25143.

12. CEQA DETERMINATION. DTSC adopted a Negative Declaration on September 22, 2000.

Approved:

9/22/00
Date

Frederick S. Moss, Chief
Permitting Division
Hazardous Waste Management Program
Department of Toxic Substances Control