

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2010-_____

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
CALIFORNIA DEPARTMENT OF TRANSPORTATION
STATE ROUTE 49 POST MILE 2.4 TO 3.0,
STATE ROUTE 50 STOCKTON BOULEVARD AND 65TH STREET ONRAMPS,
AND STATE ROUTE 99 MACK ROAD TO CALVINE ROAD
NEVADA AND SACRAMENTO COUNTIES

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (hereinafter Central Valley Water Board), finds that:

1. California Water Code Section 13260(a) requires that any person discharging wastes or proposing to discharge wastes with the region that could affect the quality of waters of the State shall file a Report of Waste Discharge (RWD).
2. Between 17 February and 2 March 2010, the California Department of Transportation (hereafter "Caltrans" or "Discharger") submitted RWDs for three state highway projects including State Route 49 from Post Miles 2.4 to 3.0, State Route 50 for widening of eastbound onramps at Stockton Boulevard and 65th Street, and State Route 99 from Mack Road to Calvine Road. The RWDs request Central Valley Water Board approval to discharge lead-contaminated soil associated with the projects within the Caltrans right-of-way at each project site.
3. The Department of Toxic Substances Control (DTSC) issued a variance (No. V09HQSCD006) for these types of Caltrans projects on 1 July 2009. The waivers in the variance are for lead-contaminated soil that is not a RCRA hazardous waste, and is hazardous primarily because of aeriually-deposited lead associated with exhaust emissions. The variance contains conditions including that the appropriate regional board be notified at least 30 days prior to bids, and that the soil be buried at the construction site in the Caltrans right-of-way if it meets certain criteria based on total and soluble concentrations. California regulatory thresholds for hazardous waste are 1,000 milligrams per kilogram (mg/kg) for total lead, and 5 milligrams per liter (mg/L) for extractable lead.
4. DTSC performed a risk assessment in developing their variance. The variance requires that the soil be buried at least five feet above the maximum historical water table. The soil must also be covered with at least one foot of non-hazardous soil or be placed below a pavement structure, depending on total and extractable concentrations. Soil with 1,411 mg/kg or less total lead, and 1.5 mg/L or less extractable lead based on a modified waste extraction test using de-ionized water

(DI-WET) must be covered with at least one foot of non-hazardous soil. Caltrans designates this as type Y1 material. Soil with 3,397 mg/kg or less total lead, and 150 mg/L or less extractable lead must be buried below a pavement structure. Caltrans designates this as type Y2 material.

5. The Discharger conducted soil investigations at each of the project sites to characterize the amount of lead contamination in the shallow soils that will be excavated as part of the respective project. Soil samples were collected at several locations at three shallow depths intervals (no more than three feet) and analyzed for total and soluble lead. The RWDs include data from each investigation and use a statistical analysis to determine how the soil must be managed under the DTSC variance. Details regarding the locations, depth intervals, and concentrations for these samples are contained in the RWDs.
6. For the State Route 49 project, approximately 280 cubic yards of soil will need to be excavated that was classified as Y1 material meaning the DTSC variance requires that it be buried under at least one-foot of non-hazardous soil. The Discharger proposes to manage the soil as Y2 soil by burying it under the new road section for the project under at least one-foot of cover. The proposed location is approximately 150 feet north of Cameo Drive to approximately 370 feet north of Cameo Drive. Depth to groundwater at this location is estimated to be at least 15 feet below existing ground surface.
7. The State Route 50 project involves the widening of eight eastbound onramps from Stockton Boulevard to Folsom Boulevard. The soil investigation identified type Y1 material at the Stockton Boulevard and 65th Street onramps. The Discharger proposes to bury this soil beneath at least one-foot of clean soil under the widened onramps at these two locations. Depth to groundwater at this location is estimated to be at least 30 feet below existing ground surface.
8. For the State Route 99 project, approximately 270 cubic yards of soil will need to be excavated that was classified as Y1 material. The Discharger proposes to manage the soil as Y2 soil by burying it under the pavement structure of the Stockton Boulevard southbound onramp under at least one-foot of cover. Depth to groundwater at this location is estimated to be at least 45 feet below existing ground surface.
9. On 30 June 2009, DTSC certified a Negative Declaration for their variance No. V09HQSCD006 stating that the project could not have a significant effect on the environment, and issued a Notice of Final Variance Determination stating that the variance became effective on 1 July 2009.

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10. The Discharger has informed the Central Valley Water Board that each of the three highway projects is categorically exempt from the California Environmental Quality Act under Class 1 and Class 2 exemptions given in Title 14, Sections 15301 and 15302 for existing facilities and replacement or reconstruction.
11. The Central Valley Water Board notified interested agencies and persons of its intent to conditionally waive discharge requirements for these projects and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
12. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the conditional waiver of discharge requirements.
13. Any person affected by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with Sections 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812, within 30 days of the date of issuance of this conditional waiver. Copies of the laws and regulations applicable to the filing of a petition are available on the Internet at www.waterboards.ca.gov/laws_regulations/ and will be provided on request.

THEREFORE, IT IS HEREBY ORDERED, that pursuant to California Water Code Sections 13263(a), 13267, and 13269, the Central Valley Water Board waives waste discharge requirements for the California Department of Transportation lead-contaminated soil at State Route 49 Post Mile 2.4 to 3.0, State Route 50 Stockton Boulevard and 65th Street onramps, and State Route 99 Mack Road to Calvine Road when the following conditions are met:

1. This conditional waiver applies only to the Caltrans projects at State Route 49 Post Mile 2.4 to 3.0, State Route 50 at the Stockton Boulevard and 65th Street eastbound onramps, and State Route 99 from Mack Road to Calvine Road for the disposal of lead-contaminated soil at the projects as described in each of the respective RWDs and associated cover letters.
2. The Discharger shall discharge lead-contaminated soil associated with each of the three projects in accordance with all conditions listed in DTSC's variance No. V09HQSCD006.
3. All soil designated as Caltrans type Y1 material as described in Finding No. 4 of this conditional waiver that is discharged within the Caltrans right-of-way shall be

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buried beneath at least one-foot of clean soil, and when feasible, shall also be located beneath a pavement structure.

4. The Discharger shall record the location of the discharge, and shall maintain that portion of the Caltrans right-of-way to preclude exposure of the lead-contaminated soils to waters of the State by erosion, percolation, or other means.
5. The Discharger shall submit a report to the Central Valley Water Board documenting the volume of lead-contaminated soil, location (including latitude and longitude of start and end point of burial location), and type of burial following the completion of each project.
6. The discharge shall not cause or threaten to cause degradation of waters of the State, nuisance, or pollution as defined in the California Water Code.
7. This conditional waiver shall expire 60 days after completion of the last of the three Caltrans projects, or five years from the date of issuance, whichever occurs first.
8. This action waiving waste discharge requirements is conditional and may be terminated at any time.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a true, full, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

PAMELA C. CREEDON
Executive Officer

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