

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2011-_____

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
CALIFORNIA DEPARTMENT OF TRANSPORTATION
STATE ROUTE 4
0.3 MILE WEST OF CONTRA LOMA BOULEVARD
TO 0.2 MILE EAST OF G STREET IN ANTIOCH
CONTRA COSTA COUNTY

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. On 2 May 2011, the California Department of Transportation (hereafter "Caltrans" or "Discharger") submitted a RWD for a highway project along State Route 4 from 0.3 miles west of Contra Loma Boulevard to 0.2 miles east of G Street in Antioch for widening of the freeway from four to eight lanes and construction of auxiliary lanes on onramps and off-ramps. The RWD requests Central Valley Water Board approval to discharge lead-contaminated soil associated with the project within the Caltrans right-of-way at the 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 aerially-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 a soil investigation at the project site to characterize the amount of lead contamination in the shallow soils that will be excavated as part of the project. Soil samples were collected at several locations at various depth intervals (no more than 4.5 feet) and analyzed for total and soluble lead. The RWD includes data from the investigation in two reports from August 2007 and July 2009 that 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 reports.
6. The Discharger collected a total of 125 soil samples from 46 hand auger borings along freeway shoulders and medians at the project area. The soil investigation identified type Y1 material at various locations; however, the soil with the Y1 designation was dependent on what depth would be excavated during the project at a given location. The Discharger has identified a total of approximately 7,050 cubic yards of soil that will require management as type Y1 soil. The Discharger proposes to bury the soil excavated from the corresponding areas at four locations including the westbound onramp from L Street, the westbound off-ramp to L Street, and both westbound and eastbound freeway lanes and shoulders west of G Street. Proposed burial locations are included in the RWD in drawings C-17 to C-19. The Discharger proposes to bury the type Y1 soil beneath a pavement structure and 2.5 feet of clean soil at each location. This exceeds the requirements of the DTSC variance that requires type Y1 soil to be buried beneath at least one foot of non-hazardous soil and should therefore be more protective. The Discharger states that the anticipated depth to highest groundwater is 19 feet and that the soil will have greater than the required five feet of separation from groundwater.
7. 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.
8. On 26 August 2004, Caltrans certified a Mitigated Negative Declaration on the project, in accordance with the California Environmental Quality Act (Public Resources Code Section 21000, et. Seq.) and the State Guidelines.
9. The Central Valley Water Board notified interested agencies and persons of its intent to conditionally waive discharge requirements for this project and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

10. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the conditional waiver of discharge requirements.
11. 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 for lead-contaminated soil from the State Route 4 project in Antioch when the following conditions are met:

1. This conditional waiver applies only to the Caltrans project at State Route 4 from 0.3 miles west of Contra Loma Boulevard to 0.2 miles east of G Street in Antioch for the disposal of lead-contaminated soil as described in the RWD and the above Findings of this conditional waiver.
2. The Discharger shall discharge lead-contaminated soil associated with the project 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 buried beneath a pavement structure and 2.5 feet of clean soil as described in Finding No. 6.
4. The Discharger shall record the location of the discharge, and shall maintain that portion of the Caltrans right-of-way to minimize 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 the 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 project, 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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