

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2010-0084

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
CALIFORNIA DEPARTMENT OF TRANSPORTATION
STATE ROUTE 50 POST MILE 5.3 TO 12.8
AND STATE ROUTE 51 POST MILE 6.0 TO 8.3
SACRAMENTO 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 15 April and 10 May 2010, the California Department of Transportation (hereafter "Caltrans" or "Discharger") submitted RWDs for two state highway projects including State Route 50 from Post Mile 5.3 to 12.8 for construction of High Occupancy Vehicle (HOV) lanes, and State Route 51 (also known as Business 80) from Post Mile 6.0 to 8.3 for construction of vehicle pullouts and landscaping. 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. The State Route 50 project involves the construction of HOV lanes along westbound and eastbound State Route 50 between Watt Avenue and Sunrise Boulevard. The Discharger collected a total of 2,335 soil samples from 638 direct-push and hand auger borings along the highway shoulders and central median. The soil investigation identified type Y1 material at locations including the upper 12 inches of soil along the highway median, the upper 6 inches of soil along the west bound highway shoulder, the upper 6 inches of soil along one of the sound wall locations (Sound Wall 1), the upper 36 inches of soil along another sound wall location (Sound Wall 7), and the upper 12 inches of soil along northbound Mather Field Road to the west bound loop onramp. The Discharger proposes to bury soil excavated from these areas beneath at least one-foot of clean soil along the shoulder of eastbound State Route 50 at the Bradshaw Road onramp. The soil will not be located beneath a pavement structure as this is not required by the DTSC variance, and since the area needs to remain available for disposal during the entire length of the project after areas that are being paved have already been constructed. The Discharger expects the volume of soil to be buried to range between 1,000 and 2,000 cubic yards, but could be as much as 6,000 cubic yards depending on how much soil is actually excavated at the locations described in this Finding above. Depth to groundwater at this location is estimated to be at least 19 feet below existing ground surface.
7. The State Route 51 (also known as Business 80) project involves the construction of vehicle pullouts and landscaping along the shoulder, interchanges, and ramps from Howe Avenue to Watt Avenue. The Discharger collected a total of 132 soil samples from 51 direct-push and hand auger borings along the highway shoulders and ramp medians. The soil investigation identified both type Y1 and Y2 material at several locations including the off ramps for Howe Avenue and Auburn Boulevard, the off ramp for Watt Avenue south, the shoulders and onramps for Watt Avenue north and south, the ramps for Fulton Avenue, the shoulders from the Watt Avenue south off ramp to the Watt Avenue north off ramp, the loop onramp at Watt Avenue, and the slip onramp and loop off ramp at Watt Avenue north. The Discharger proposes to bury approximately 445 cubic yards of type Y1 soil beneath at least one-foot of clean soil at various locations generally in the same areas where the soil was originally excavated. The

Discharger also proposes to bury approximately 665 cubic yards of type Y2 soil beneath pavement structures at various locations generally in the same areas where the soil was originally excavated. Maps showing these locations were submitted with the RWD. Depth to groundwater at this location is estimated to be at least 100 feet below existing ground surface.

8. 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.
9. During June 2007, Caltrans certified an Environmental Impact Report (State Clearing House #2005062006) for the State Route 50 HOV lane project.
10. The Discharger has informed the Central Valley Water Board that the State Route 51 project is categorically exempt from the California Environmental Quality Act under the Class 4 exemption given in Title 14, Section 15304 for minor alterations to land. The project was also found to be exempt from federal National Environmental Policy Act under Programmatic Categorical Exclusion (necessary due to federal funding of the project).
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 from State Route 50 Post Mile 5.3 to 12.8 HOV lane project and State Route 51 Post Mile 6.0 to 8.3 pullout and landscaping project when the following conditions are met:

1. This conditional waiver applies only to the Caltrans projects at State Route 50 Post Mile 5.3 to 12.8 and State Route 51 Post Mile 6.0 to 8.3 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 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 buried beneath at least one-foot of clean soil as required by the DTSC variance.
4. All soil designated as Caltrans type Y2 material as described in Finding No. 4 of this conditional waiver that is discharged within the Caltrans right-of-way shall be buried at least one foot beneath a pavement structure as required by the DTSC variance.
5. 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.
6. 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.
7. 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.
8. This conditional waiver shall expire 60 days after completion of the last of these Caltrans projects, or five years from the date of issuance, whichever occurs first.
9. 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 29 July 2010.

PAMELA C. CREEDON
Executive Officer



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair

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**Arnold
Schwarzenegger**
Governor

3 August 2010

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TO ALL CONCERNED PERSONS AND AGENCIES:

Conditional Waiver of waste discharge requirements Order No. R5-2010-0084 for highway improvement projects on State Routes 50 and 51 by the California Department of Transportation (Caltrans) was adopted by the California Regional Water Quality Control Board, Central Valley Region at its meeting on 29 July 2010.

In order to conserve paper and reduce mailing costs, a paper copy of the order has been sent only to the Discharger. The full text of this order is available on the Central Valley Water Board's web site at www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/ under Sacramento County. Anyone without access to the Internet who needs a paper copy of the order can obtain one by calling Central Valley Water Board staff.

If you have any questions, please call Bill Brattain at (916) 464-4622.

VICTOR J. IZZO
Senior Engineering Geologist
Title 27 Permitting and Mining

Enclosure- Conditional Waiver

cc list: see next page

California Environmental Protection Agency



cc w/o Encl:

Beverly Rikala, Department of Toxic Substances Control, Sacramento
Office of Drinking Water, Department of Health Services, Sacramento
Environmental Management Branch, Department of Health Services, Sacramento
Department of Fish and Game, Region 2, Rancho Cordova
Leslie Graves, Division of Water Quality, SWRCB, Sacramento
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