

# Memorandum

To: ALL CONSTRUCTION SENIORS and ABOVE  
ALL RESIDENT ENGINEERS

Date: June 29, 2000

File: Construction Program  
Directive CPD 00-8

From: DEPARTMENT OF TRANSPORTATION  
CONSTRUCTION PROGRAM  
MS 44

Subject: Aerially Deposited Lead (ADL) Variance

The aerially deposited lead (ADL) Variance as issued by the Department of Toxic Substances Control (DTSC) expired on June 7, 2000. The following is provided as interim guidance for the handling of aerially deposited lead contaminated soils.

1) For projects advertised prior to June 7, 2000:

If DTSC was notified prior to June 7, continue to use the old DTSC Variance and special provisions for ADL as required in the Variance and included in your project's special provisions. If the information on identifying the resident engineer, office, and contractor was not identified at the time of notifying DTSC, please provide the information as soon as the contract is awarded. If you have not done so already, send a copy of the same notice to the appropriate regional water quality control board.

2) For projects with advertising dates between June 8 and the tentative approval date of the new Variance (August 8, 2000):

It is not likely that there will be a new Variance in place during this time period. The current draft of the new Variance indicates that projects with ADL levels that exceed 350 ppm total lead must dispose of this soil at a Class I landfill or a Class II landfill with approved waste discharge requirements permitting it to accept this waste. Projects with ADL in excess of California hazardous waste regulatory criteria have the option of putting special provisions in the contracts to dispose of this sediment to a landfill or use new draft special provisions based on the current draft of the new Variance. However, if there are any changes to the draft of the new Variance prior to final adoption by DTSC, an addendum may be necessary.

Further, the Environmental Program has recommend that the hazardous waste offices within districts 4, 7, 8, 11, and 12 evaluate if any district project has lead levels in soil that exceed the new 350 ppm disposal criteria (80 and 95 percent confidence interval). If there are projects in this category, they will notify the project manager immediately of the additional cost of this off-project soil disposal cost and tax fees.

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3) For projects with advertising dates after the tentative approval date of the new Variance (July 10-20):

New draft standard special provisions will be developed to reflect the requirements of the new Variance. Julia Turney (Environmental Program) and Harold Jones (Office Engineers) are working to develop the standard special provisions as soon as possible.

For Items 2 and 3 resident engineers with projects involving ADL should contact their district hazardous waste office to determine the status of the Variance. If the special provisions do not reflect the new Variance, a contract change order will need to be processed. Contact Roger Cook, Construction Program at (916) 654-2735 or CALNET 464-2735 for assistance or if there are questions related to ADL.

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RC:sf/jm