

M e m o r a n d u m

*Flex your power!
Be energy efficient!*

To: DEPUTY DISTRICT DIRECTORS, Construction
RESIDENT ENGINEERS (See attached list)

Date: May 11, 2005

File: Division of Construction
CPD 05-5


From: ^{for} ROBERT PIEPLOW
Chief
DIVISION OF CONSTRUCTION

Subject: Expiration of the Variance for Aerially Deposited Lead

The Department of Toxic Substances Control (DTSC) issued a variance to the Department of Transportation's (Department) Districts 4, 6, 7, 8, 10, 11 and 12 on September 22, 2000. The variance waived numerous hazardous waste requirements and allowed for the disposal of aerially deposited lead (ADL) contaminated soil within the right-of-way. This variance expires on September 22, 2005. The Department has not received a renewal or extension of the variance at this time.

The Division of Construction is recommending that districts complete ongoing contract work for the removal and placement of all ADL contaminated soil before expiration of the variance.

Attached is a list of 22 projects that have "Type Y" ADL bid items and a completion date after the expiration of DTSC's ADL variance. The resident engineers responsible for these projects must implement one of the following alternatives to ensure the placement and disposal of ADL contaminated soils within the right-of-way is completed before the expiration date:

- Evaluate the project staging and schedule for placement of ADL contaminated soils. Partner with the contractor to complete the ADL work before September 22, 2005.

DEPUTY DISTRICT DIRECTORS, ET AL

May 11, 2005

Page 2

- Re-evaluate the lead soil sampling data at each uniform sampling depth, every six or twelve inches, to verify the amount of lead impacted soil. Soils below the surficial soils, containing concentrations of lead under hazardous waste levels, may have been mischaracterized as “Type Y” soil concentrations to implement an overly protective regulatory criteria or to simplify the construction activities.
- Issue a contract change order to compensate the contractor to accelerate the work and complete the ADL disposal before September 22, 2005.
- Issue a contract change order to dispose of ADL contaminated soil at an approved off-site landfill facility and to import replacement material after the expiration of the DTSC variance. The resident engineer should direct the contractor to stockpile and sample ADL soils to verify that they exceed regulatory thresholds and must be disposed of at an offsite landfill.

The Division of Environmental Analysis’ web site has additional information regarding the DTSC variance at: <http://www.dot.ca.gov/hq/env/index.htm>.

If you should have any questions or comments regarding this directive, please contact Michael Kissel, Chief, Office of Contract Administration at (916) 654-2467.

Attachment

- c: Deputy Division Chiefs, Structure Construction
Construction Managers
Senior Construction Engineers

