



## Department of Toxic Substances Control

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Secretary for  
Environmental Protection

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Sacramento, California 95826-3200

**Edmund G. Brown Jr.**  
Governor

October 30, 2015

Ms. Katrina C. Pierce, Chief  
Division of Environmental Analysis  
California Department of Transportation  
P.O. Box 94284, MS-27  
Sacramento, California 94723-0001

### EXTENSION OF STATEWIDE VARIANCE NO. V09HQSCD006 FOR CALTRANS HANDLING OF AERIALY DEPOSITED LEAD SOILS

Dear Ms. Pierce:

This letter is in response to the October 20, 2015 request from the California Department of Transportation (Caltrans) for an extension of Variance No. V09HQSCD006 (Variance).

The Variance is hereby extended to April 30, 2016 and is subject to the same additional conditions as set forth in correspondence from Mr. Raymond Leclerc of the Department of Toxic Substances Control (DTSC) to Ms. Katrina C. Pierce of Caltrans dated June 30, 2015 (Extension) and clarified in correspondence dated July 6, 2015, which are repeated below for your convenience.

#### Additional requirements included in the June 30, 2015 correspondence:

- (1) Caltrans shall provide at least 30 day advance written notification to DTSC prior to implementation of any project for which Caltrans will invoke this Variance, and shall send copies of the notification to the Regional Water Quality Control Board (RWQCB) Air Quality Management District (AQMD [or Air Pollution Control District, as applicable]) and local Certified Uniform Program Agency (CUPA). For projects that overlie multiple local agency jurisdictions, all appropriate agencies shall receive a copy of the notification. The advance written notification shall include the following information:
  - a. A statement that the project will entail excavation, stockpiling and burial of aerially deposited lead (ADL)-contaminated soil pursuant to DTSC Variance No. V09HQSCD006;
  - b. Project number;
  - c. Project description;
  - d. Project Limits;
  - e. Electronic versions of the following documents:
    - i. The environmental document prepared for the project;
    - ii. This Variance; and
    - iii. DTSC-prepared fact sheet about this Variance.
  - f. Identify any ADL-contaminated soil that will be moved from the project area to another project area with a complete description of additional project areas.

- g. The following documents will be made available as described above within 10 days of completion:
  - i. The Caltrans-approved Excavation and Transportation Plan,
  - ii. Contact information for the Resident Engineer and Project Manager
- (2) For every property where ADL-contaminated soil is buried pursuant to this Variance, Caltrans shall, in compliance with California Code of Regulations, title 22, section 67391.1, execute a legal instrument restricting use of that property, which instrument shall be binding in perpetuity upon Caltrans or any future legatee of the property. Said instrument shall be a land use covenant, except as provided by (a), and shall be recorded with the county (or counties) wherein ADL-contaminated soil has been buried.
  - a. For any property for which DTSC determines as set forth in California Code of Regulations, title 22, section 67391.1(f) a land use covenant is not feasible, then another institutional control mechanism may be used as approved by DTSC.

Clarification for the additional requirements, provided in the July 6, 2015 correspondence:

- The additional requirements of the extension only apply to projects awarded after June 30, 2015, where excavation of ADL-contaminated soil will be handled and placed beneath roadways as defined in the Variance No. V09HQSCD006.
- For purposes of reporting, Caltrans may submit electronic copies, URL locations or hard copies of required documents;
- Item 1(f) applies to ADL-contaminated soil moved from one project to another project within the same corridor. Caltrans will provide all information required by Variance No. V09HQSCD006 under Section 9(u).
- Until an appropriate institutional control mechanism can be agreed upon, CalTrans shall provide to DTSC land survey measurement data collected where ADL-contaminated soil is buried.
- "Project implementation" in item 1 of the June 30, 2015, Extension refers to excavation of ADL-contaminated soil.
- Items 1(f) and 1(g) in the Extension are not subject to the 30-day submittal deadline specified in (1), but are subject to a 10-day deadline following document approval or staff identification.

This extension is granted without waiver of any rights that DTSC has to enforce any violations of the Variance that may have occurred prior to October 30, 2015.

If you have any questions regarding this extension of the Variance, please contact me at (916) 255-3582.

Sincerely



Raymond Leclerc, P.E.  
Division Chief

cc: See next page

Ms. Katrina C. Pierce  
July 6, 2015  
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