



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
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Arnold Schwarzenegger
Governor

June 17, 2008

Ms. Cindy Quon
District Director
State of California
Department of Transportation, District 12
3337 Michelson Drive, Suite CN 380
Irvine, California 92612-8894

LEAD CONTAMINATED SOIL VARIANCE MODIFICATION VARIANCE NUMBER 00-H-VAR-07, CALTRANS DISTRICT 12

Dear Ms. Quon:

The Department of Toxic Substances Control (DTSC) received the letter dated February 19, 2008,¹ from the California Department of Transportation (Caltrans) requesting that DTSC extend the variance issued to Caltrans District 12 on September 22, 2000. The variance authorizes Caltrans to manage and dispose onsite contaminated soil during highway construction projects. The contaminated soil is hazardous primarily due to aerially-deposited lead associated with exhaust emissions from the operation of motor vehicles.

The variance, originally scheduled to expire on September 22, 2005, was granted extensions by DTSC that allows Caltrans to continue using the variance until June 30, 2008. Once the variance expires, Caltrans will no longer be able to dispose of lead contaminated soil onsite.

Over the past year, DTSC has been working with Caltrans headquarters staff to renew this variance. Although we have made progress on the variance renewal, the variance will not be completed by June 30, 2008. Furthermore, Caltrans has requested that DTSC allow time for Caltrans to provide appropriate notification of the variance status to all parties involved in large highway construction projects. Currently, DTSC and Caltrans are still trying to resolve the maximum allowable level of extractible lead

¹ Although the date on your letter is dated February 19, 2008, the postal mark on the envelope indicates the letter was mailed on March 25, 2008. DTSC received the letter on March 26, 2008.

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appropriate for onsite disposal of lead contaminated soil. DTSC understands that while work toward the new variance continues, Caltrans has construction projects that will require the use of current variance. Therefore, DTSC will extend the expiration date of variance No. 00-H-VAR-07 to June 30, 2009. Please note, this variance expiration extension is granted with the expectation that a good faith effort is shown by Caltrans to proceed with the variance renewal.

This letter formally modifies the variance No. 00-H-VAR-07 issued to Caltrans District 12 and shall be attached as addendum to the existing variance. However, DTSC has the authority to modify or revoke the variance at any time.

If you have any questions or comments regarding this letter, please contact Ms. Evelia Rodriguez of my staff at (916) 322-3810.

Environmentally,



Leonard E. Robinson
Chief Deputy Director

cc: Mr. Richard Bailey
Caltrans – Division of Environmental Analysis
Environmental Engineering Processes – Hazardous Waste
1120 N Street, MS 27
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Mr. Edward Nieto
Office of Legislative and Regulatory Policy
Department of Toxic Substances Control