

**FOR CONTRACT NO.: 03-3A04214**

## **INFORMATION HANDOUT**

State of California, Natural Resources Agency, Central Valley Flood Protection Board,  
Permit No. 18581 BD.

California EPA-Department of Toxic Substances Control, Variance #V09HQSCD006.

Location Map, for stockpiling of Material Containing Hazardous Waste Concentrations  
of Aerially Deposited Lead."

**ROUTE: 03-But-99-R32.4/R33.3**

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Rm. 151  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-0685 FAX: (916) 574-0682



**RECEIVED DEC 15 2010**

Permit No. 18581 BD

Butte County Association of Governments  
2580 Sierra Sunrise Terrace, Suite 100  
Chico, California 95928

Enclosed is your approved Central Valley Flood Protection Board Encroachment Permit Conditions.

Under the Standard General Condition Four (4) of the permit, you are required to accomplish the work under direction and supervision of the Department of Water Resources; therefore, you must advise the Department at 3310 El Camino Avenue, Sacramento, California 95821, attention Lorraine Pendlebury, telephone (916) 574-0609, at least ten days prior to starting your project. An addressed postcard is enclosed for your convenience.

Please note that the permit grants the work proposed in your application. This permit, in addition to the twelve (12) standard conditions, includes special conditions, which may place limitations on or require modifications to your project. You are advised to read all conditions prior to starting the project. Commencing any work under this permit shall constitute an acceptance of the provisions of the permit and an agreement to perform accordingly. This permit does not relieve you from the responsibility for obtaining authorization from any State, local, or federal agencies for your proposed project.

Please refer to your permit number when communicating with this office. For further information, contact Michael Petersen at (916) 574-0685.

Sincerely,

Gary Lemon, Acting Chief  
Floodway Protection Section  
Central Valley Flood Protection Board

Enclosure

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**THE CENTRAL VALLEY FLOOD PROTECTION BOARD**

PERMIT NO. 18581 BD

This Permit is issued to:

Butte County Association of Governments  
2580 Sierra Sunrise Terrace, Suite 100  
Chico, California 95928

To widen State Route 99 at two viaduct structures crossing Big Chico Creek and Bidwell Park, located in Chico, California. Within and immediately adjacent to the creek, 6 new piers will be added to support the structure widening. The piers will be founded on spread footings below existing grade. Approximately 64 linear-feet of rock slope protection will be placed within the channel to protect the bridge foundation. Approximately 250-sf of existing paved bike path will be realigned (removed and replaced) just downstream of the piers on each bank. The project is located in Chico along Highway 99 (Section 26, T22N, R1E, MDB&M, Big Chico Creek, Butte County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

DEC 13 2010

Dated: \_\_\_\_\_

*Jay S. Puria*

Executive Officer

**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

#### **SPECIAL CONDITIONS FOR PERMIT NO. 18581 BD**

**THIRTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

**FOURTEEN:** There shall be no plantings within the project area under this permit, except that of native grasses that may be required for slope protection of the fill placement. However, within 1-year from the date of this permit, the applicant must submit an application for a proposed vegetative mitigation plan to include a detailed planting plan and a corresponding hydraulic analysis.

**FIFTEEN:** The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

**SIXTEEN:** The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the

right to supplement or take over its defense, in its sole discretion

SEVENTEEN: The Central Valley Flood Protection Board and Department of Water Resources shall not be held liable for damages to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

EIGHTEEN: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

NINETEEN: Prior to start of any demolition and/or construction activities within the Big Chico Creek Project Channel, the applicant shall provide the Central Valley Flood Protection Board with two sets of layout plans for any and all temporary, in channel cofferdam(s), gravel work pad(s), work testle(s), scaffolding, piles and/or other appurtenances that are to remain in the floodway during the flood season from November 1 through April 15.

TWENTY: Debris that may accumulate on the permitted encroachment(s) and/or any temporary falswork within the project channel shall be cleared off and disposed of outside the floodway after each period of high water.

TWENTY-ONE: The permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

TWENTY-TWO: Temporary staging, formwork, stockpiled material, equipment, and temporary buildings shall not remain in the floodway during the flood season from November 1 to April 15.

TWENTY-THREE: Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1 to April 15.

TWENTY-FOUR: Fill material shall be placed only within the area indicated on the approved plans.

TWENTY-FIVE: Backfill material for excavations shall be placed in 4- to 6-inch layers and compacted to at least the density of the adjacent, firm, undisturbed material.

TWENTY-SIX: Density tests by a certified materials laboratory will be required to verify compaction of backfill within the Big Chico Creek Project Channel.

TWENTY-SEVEN: The soffit of the bridge shall provide a minimum freeboard of 3-feet above the design flood elevation.

TWENTY-EIGHT: Revetment shall be uniformly placed and properly transitioned into the bank, levee slope, or adjacent revetment and in a manner which avoids segregation.

TWENTY-NINE: Revetment shall be quarry stone and shall meet the following grading:

Quarry Stone

Stone Size	Percent Passing
15 inches;	100
8 inches;	80-95
6 inches;	45-80
4 inches;	15-45
2 inches;	0-15

THIRTY: The revetment shall not contain any reinforcing steel, floatable, or objectionable material. Asphalt or other petroleum-based products may not be used as fill or erosion protection on the levee section or within the floodway.

THIRTY-ONE: The recommended minimum thickness of revetment, measured perpendicular to the bank or levee slope, is 18 inches below the usual water surface and 12 inches above the usual water surface.

THIRTY-TWO: All debris generated by this project shall be disposed of outside the Big Chico Creek Project Channel.

THIRTY-THREE: The work area shall be restored to the condition that existed prior to start of work.

THIRTY-FOUR: The permittee shall submit as-built drawings to the Department of Water Resources' Flood Project Inspection Section upon completion of the project.

THIRTY-FIVE: If the project result(s) in an adverse hydraulic impact, the permittee shall provide appropriate mitigation measures, to be approved by the Central Valley Flood Protection Board, prior to implementation of mitigation measures.

THIRTY-SIX: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion.

THIRTY-SEVEN: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.

THIRTY-EIGHT: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

THIRTY-NINE: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration,

relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

FORTY: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

FORTY-ONE: The permittee shall comply with all conditions set forth in the letter from the U.S. Army Corps of Engineers dated November 10, 2010, which is attached to this permit as Exhibit A and is incorporated by reference.

REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. Army Engineer District, Sacramento  
Corps of Engineers  
1325 J Street  
Sacramento, California 95814-2922

Flood Protection and Navigation Section (18581)

NOV 10 2010

Mr. Jay Punia, Executive Officer  
Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, California 95821

Dear Mr. Punia:

We have reviewed a permit application by the Butte County Association of Governments (application number 18581). This project includes widening State Route 99 at two viaduct structures crossing Big Chico Creek and Bidwell Park. The project also includes installing 6 new piers within and immediately adjacent to the creek, placing rock protection around the piers, and realigning the existing paved bike path on Big Chico Creek. This project is located in Chico, at 39.7386°N 121.8219°W NAD83, in Butte County, California.

The District Engineer has no objection to approval of this application by the Board from a flood control standpoint, subject to the following conditions:

- a. That no work shall be performed and no stockpiles of materials or equipment shall remain in the floodway during the flood season of November 1 to April 15, unless otherwise approved in writing from your Board.
- b. That in the event trees and brush are cleared, they shall be properly disposed of outside the limits of the project right-of-way.
- c. That backfill material for any excavations shall be placed in 4 to 6 inch layers and compacted to at least the same density of the adjacent undisturbed embankment.
- d. That the proposed bridge widening shall allow for at least the same channel flow capacity, vertical clearance, and waterway area as existed prior to new construction.
- e. That the soffit of the widened bridge shall be no lower than the existing bridge.
- f. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood damage reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

-2-

g. That in the event erosion occurs at the site, adequate revetment shall be placed to repair the eroded areas.

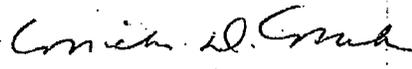
h. That the proposed piers for the bridges shall be aligned parallel to the direction of flow.

i. That drainage for the proposed bridge widening shall not direct water toward the banks without ensuring adequate erosion protection.

A Section 10 and/or Section 404 permit (SPK-2003-00803) has been issued for this work.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821.

Sincerely,



Michael D. Mahoney, P.E.  
Chief, Construction-Operations Division



*California Environmental Protection Agency  
Department of Toxic Substances Control*

**VARIANCE**

Applicant Names:

Variance No. V09HQSCD006

State of California  
Department of Transportation  
(Caltrans)  
1120 N Street  
Sacramento, California 95814

Effective Date: July 1, 2009

Expiration Date: July 1, 2014

Modification History:

Pursuant to California Health and Safety Code, Section 25143, the Department of Toxic Substances Control hereby issues the attached Variance consisting of 9 pages to the Department of Transportation.

Beverly Rikala  
Team Leader, Operating Facilities Team  
Department of Toxic Substances Control

Date: 6/30/09

**VARIANCE**

1. INTRODUCTION.

a) Pursuant to Health and Safety Code, section 25143, the California Department of Toxic Substances Control (DTSC) grants this variance to the applicant below for waste considered to be hazardous solely because of its lead concentrations and as further specified herein.

b) DTSC hereby grants this variance only from the requirements specified herein and only in accordance with all terms and conditions specified herein.

2. IDENTIFYING INFORMATION.

APPLICANT/OWNER/OPERATOR

State of California  
Department of Transportation, (Caltrans)  
All Districts

3. TYPE OF VARIANCE.

Generation, Manifest, Transportation, Storage and Disposal.

4. ISSUANCE AND EXPIRATION DATES.

DATE ISSUED: July 1, 2009      EXPIRATION DATE: July 1, 2014

5. APPLICABLE STATUTES AND REGULATIONS. The hazardous waste that is the subject of this variance is fully regulated under Health and Safety Code, section 25100, et seq. and California Code of Regulations, title 22, division 4.5 except as specifically identified in Section 8 of this variance.

6. DEFINITION. For purposes of this variance, "lead-contaminated soil(s)" shall mean soil that meets the criteria for hazardous waste but contains less than 3397 mg/kg total lead and is hazardous primarily because of aeriially-deposited lead contamination associated with exhaust emissions from the operation of motor vehicles.

7. FINDINGS/DETERMINATIONS. DTSC has determined that the variance applicant meets the requirements set forth in Health and Safety Code, section 25143 for a variance from specific regulatory requirements as outlined in Section 8 of this variance. The specific determinations and findings made by DTSC are as follows:

a) Caltrans intends to excavate, stockpile, transport, bury and cover large volumes of soil associated with highway construction projects. In the more urbanized highway corridors around the State this soil is contaminated with lead, primarily due to historic emissions from automobile exhausts. In situ sampling and laboratory testing has shown that some of the soil contains concentrations of lead in excess of State regulatory thresholds, and thus any generated waste from disturbance of the soil

would be regulated as hazardous waste. Such soil contains a Total Threshold Limit Concentration (TTLC) of 1000 milligrams per kilogram (mg/kg) or more lead and/or it meets or exceeds the Soluble Threshold Limit Concentration (STLC) for lead of 5 milligrams per liter (mg/l). A Human Health Risk Assessment prepared for this variance concludes that soil contaminated with elevated concentrations of lead can be managed in a way that presents no significant risk to human health.

b) The lead-contaminated soil will be placed only in Caltrans' right-of-way. Depending on concentration levels, the wastes will be covered with a minimum thickness of one (1) foot of non-hazardous soil or asphalt/concrete cover and will always be at least five (5) feet above the highest groundwater elevation. Caltrans will assure that proper health and safety procedures will be followed for workers, including any persons engaged in maintenance work in areas where the waste has been buried and covered.

c) DTSC finds and requires that the lead-contaminated soil excavated, stockpiled, transported, buried and covered pursuant to this variance is a non-RCRA hazardous waste, and that the waste management activity is insignificant as a potential hazard to human health and safety and the environment, when managed in accordance with the conditions, limitations and other requirements specified in this variance.

8. PROVISIONS WAIVED.

Provided Caltrans meets the terms and conditions of this variance, DTSC waives the hazardous waste management requirements of Health and Safety Code, Chapter 6.5 and California Code of Regulations, title 22 for the lead-contaminated soil that Caltrans reuses in projects that would require Caltrans to obtain a permit for a disposal facility and any other generator requirements that concern the transportation, manifesting, storage and land disposal of hazardous waste.

9. SPECIFIC CONDITIONS, LIMITATIONS AND OTHER REQUIREMENTS.

In order for the provisions discussed in section 8 to be waived, lead-contaminated soil must not exceed the contaminant concentrations discussed below and Caltrans management practices must meet all the following conditions:

a) Caltrans implementation of this variance shall comply with all applicable state laws and regulations for water quality control, water quality control plans, waste discharge requirements (including storm water permits), and others issued by the State Water Resources Control Board (SWRCB) and/or a California Regional Water Quality Control Board (RWQCB). Caltrans shall provide written notification to the appropriate RWQCB at least 30 days prior to advertisement for bids of projects that involve invocation of this variance, or as otherwise negotiated with the SWRCB or appropriate RWQCB.

b) The waivers in this variance shall only be applied to lead-contaminated soil that is not a RCRA hazardous waste and is hazardous primarily because of aerially-

deposited lead contamination associated with exhaust emissions from the operation of motor vehicles. The variance is not applicable to any other hazardous waste.

c) Soil containing 1.5 mg/l extractable lead or less (based on a modified waste extraction test using deionized water as the extractant) and 1411 mg/kg or less total lead may be used as fill provided that the lead-contaminated soil is placed a minimum of five (5) feet above the maximum historic water table elevation and covered with at least one (1) foot of nonhazardous soil that will be maintained by Caltrans to prevent future erosion.

d) Soil containing 150 mg/L extractable lead or less (based on a modified waste extraction test using deionized water as the extractant) and 3397 mg/kg or less total lead may be used as fill provided that the lead-contaminated soils are placed a minimum of five (5) feet above the maximum historic water table elevation and protected from infiltration by a pavement structure which will be maintained by Caltrans.

e) Lead-contaminated soil with a pH less than 5.5 but greater than 5.0 shall only be used as fill material under the paved portion of the roadway. Lead-contaminated soil with a pH at or less than 5.0 shall be managed as a hazardous waste.

f) For each project that has the potential to generate waste by disturbing lead-contaminated soil (as defined in 6), Caltrans shall conduct sampling and analysis to adequately characterize the soils containing aerially deposited lead in the areas of planned excavation along the project route. Such sampling and analysis shall include the Toxicity Characteristic Leaching Procedure (TCLP) as prescribed by the United States Environmental Protection Agency to determine whether concentrations of contaminants in soil exceed federal criteria for classification as a hazardous waste.

g) Lead-contaminated soil managed pursuant to this variance shall not be moved outside the designated corridor boundaries (see paragraph t) below. All lead-contaminated soil not buried and covered within the same Caltrans corridor where it originated is not eligible for management under this variance and shall be managed as a hazardous waste.

h) Lead-contaminated soil managed pursuant to this variance shall not be placed in areas where it would become in contact with groundwater or surface water (such as streams and rivers).

i) Lead-contaminated soil managed pursuant to this variance shall be buried and covered only in locations that are protected from erosion that may result from storm water run-on and run-off.

j) The lead-contaminated soil shall be buried and covered in a manner that will prevent accidental or deliberate breach of the asphalt, concrete, and/or cover soil.

k) The presence of lead-contaminated soil shall be incorporated into the projects' as-built drawings. The as-built drawings shall be annotated with the location, representative analytical data, and volume of lead-contaminated soil. The as-built drawings shall also state the depth of the cover. These as-built drawings shall be retained by Caltrans.

l) Caltrans shall ensure that no other hazardous wastes, other than the lead-contaminated hazardous waste soil, are placed in the burial areas.

m) Lead-contaminated soil shall not be buried within ten (10) feet of culverts or locations subject to frequent worker exposure.

n) Excavated lead-contaminated soil not placed into the designated area (fill area, roadbed area) by the end of the working day shall be stockpiled and covered with sheets of polyethylene or at least one foot of non-hazardous soil. The lead-contaminated soil, while stockpiled or under transport, shall be protected from contacting surface water and from being dislodged or transported by wind or storm water. The stockpile covers shall be inspected at least once a week and within 24 hours after rainstorms. If the lead-contaminated soil is stockpiled for more than 4 days from the time of excavation, Caltrans shall restrict public access to the stockpile by using barriers that meet the safety requirements of the construction zone. The lead-contaminated soil shall be stockpiled for no more than 90 days from the time the soil is first excavated. If the contaminated soil is stockpiled beyond the 90 day limit Caltrans shall:

1. notify DTSC in writing of the 90 day exceedance and expected date of removal;
2. perform weekly inspections of the stockpiled material to ensure that there is adequate protection from run-on, runoff, public access, and wind dispersion; and
3. notify DTSC on weekly basis of the stockpile status until the stockpile is removed.

The lead-contaminated soil shall be stockpiled for no more than 180 days from the time the soil is first excavated.

o) Caltrans shall ensure that all stockpiling of lead-contaminated soil remains within the project area of the specified corridor. Stockpiling of lead-contaminated soil within the specified corridor, but outside the project area, is prohibited.

p) Caltrans shall conduct confirmatory sampling of any stockpile area in areas not known or expected to contain lead-contaminated soil after removal of the lead-contaminated soil to ensure that contamination has not been left behind or has not migrated from the stockpiled material to the surrounding soils.

q) Caltrans shall stockpile lead-contaminated soil only on high ground (i.e. no sump areas or low points) so that stockpiled soil will not come in contact with surface

water run-on or run-off.

r) Caltrans shall not stockpile lead-contaminated soil in environmentally and ecologically sensitive areas.

s) Caltrans shall ensure that storm/rain run-off that has come into contact with stockpiled lead-contaminated soil will not flow to storm drains, inlets, or waters of the State.

t) Caltrans may dispose of the lead-contaminated soil only within the operating right-of-way of an existing highway, as defined in Streets and Highways Code, section 23. Caltrans may move lead-contaminated soil from one Caltrans project to another Caltrans project only if the lead-contaminated soil remains within the same designated corridor.

Caltrans shall record any movement of lead-contaminated soil by using a bill of lading. The bill of lading must contain: 1) the US DOT description including shipping name, hazard class and ID number; 2) handling codes; 3) quantity of material; 4) volume of material; 5) date of shipment; 6) origin and destination of shipment; and 7) any specific handling instructions. The bill of lading shall be referenced in and kept on file with the project's as-built drawings. The lead-contaminated soil must be kept covered during transportation.

u) For each specific corridor where this variance is to be implemented, all of the following information shall be submitted in writing to DTSC at least five (5) days before construction of any project begins:

1. plan drawing designating the boundaries of the corridor where lead-contaminated soils will be excavated, stockpiled, buried and covered;
2. a list of the Caltrans projects that the corridor encompasses;
3. a list of Caltrans contractors that will be conducting any phase of work on any project affected by this variance;
4. duration of corridor construction;
5. location where sampling and analytical data used to make lead concentration level determinations are kept (e.g. a particular Caltrans project file);
6. name and phone number (including area code) of project resident engineer and project manager;
7. location where Caltrans and contractor health and safety plan and records are kept;

8. location of project special provisions (including page or section number) for soil excavation, transportation, stockpile, burial and placement of cover material;

9. location of project drawings (including drawing page number) for soil excavation, burial and placement of cover in plan and cross section (for example, "The project plans are located at the resident engineer's office located at 5th and Main Streets, City of Fresno, See pages xxxxx of contract xxx");

10. updated information if a Caltrans project within the corridor is added, changed or deleted; and

11. type of environmental document prepared for each project, date of adoption, document title, Clearing House number and where the document is available for review. A copy of the Caltrans Categorical Exemption, Categorical Exclusion Form, or if filed, the Notice of Exemption for any project shall be submitted to the DTSC Headquarters Project Manager.

v) Changes in location of lead-contaminated soil placement, quantities or protection measures (field changes) shall be noted in the resident engineer's project log within five (5) days of the field change.

w) Caltrans shall ensure that field changes are in compliance with the requirements of this variance.

x) Operational procedures described in the California Environmental Quality Act (CEQA) Special Initial Study shall be followed by Caltrans for activities conducted under this variance.

y) Caltrans shall implement appropriate health and safety procedures to protect its employees and the public, and to prevent or minimize exposure to potentially hazardous wastes. A project-specific health and safety plan must be prepared and implemented. The monitoring and exposure standards shall be based on construction standards for exposure to lead in California Code of Regulations, title 8, section 1532.1.

z) Caltrans shall provide a district Coordinator for this variance. This Coordinator will be the primary point of contact for information flowing to, or received from, DTSC regarding any matter or submission under this variance. Caltrans shall promptly notify DTSC of the name of Coordinator and any change in the Coordinator.

aa) Caltrans shall conduct regular inspections, consistent with Caltrans' Maintenance Division's current Pavement Inspection and Slope Inspection programs, of the locations where lead-contaminated soil has been buried and/or covered pursuant to this variance. If site inspection reveals deterioration of cover so that conditions in the variance are not met, Caltrans shall repair or replace the cover.

bb) Caltrans shall develop and implement a record keeping mechanisms to record and retain permanent records of all locations where lead-contaminated soil has been buried per this variance. The records shall be made available to DTSC.

cc) If areas subject to the terms of this variance are sold, relinquished or abandoned (including roadways), all future property owners shall be notified in writing in advance by Caltrans of the requirements of this variance, and Caltrans shall provide the owner with a copy of the variance. A copy of such a notice shall be sent to DTSC and contain the corridor location and project. Caltrans shall also disclose to DTSC and the new owner the location of areas where lead-contaminated soil has been buried. Future property owners shall be subject to the same requirements as Caltrans.

dd) For the purposes of informing the public about instances where the variance is implemented, Caltrans shall:

1. maintain current fact sheets at all Caltrans resident engineer offices and the Caltrans District office. Caltrans shall make the fact sheets available to anyone expressing an interest in variance-related work.
2. maintain a binder(s) containing copies of all reports submitted to DTSC at the District office. Caltrans shall ensure that the binders are readily accessible to the public.
3. carry out the following actions when it identifies additional projects:
  - (A) notify the public via a display advertisement in a newspaper of general circulation in that area.
  - (B) update and distribute the fact sheet to the mailing list and repository locations.

ee) Lead-contaminated soil may be buried only in areas where access is limited or where lead-contaminated soil is covered and contained by a pavement structure.

ff) Dust containing lead-contaminated soil must be controlled. Water or dust palliative may be applied to control dust. If visible dust migration occurs, all excavation, stockpiling and truck loading and burying must be stopped. The granting of this variance confers no relief on Caltrans from compliance with the laws, regulations and requirements enforced by any local air district or the California Air Resources Board.

gg) Sampling and analysis is required to show the lead-contaminated soil meets the variance criteria. All sampling and analysis must be conducted in accordance with the appropriate methods specified in U.S. EPA SW-846.

hh) DTSC retains the right to require Caltrans or any future owner to remove, and properly dispose of, lead-contaminated soil in the event DTSC determines it is necessary for protection of public health, safety or the environment.

ii) DTSC finds that some projects involving lead-contaminated soil are joint projects between Caltrans and other government entities. In these joint projects, Caltrans may not be the lead agency implementing the project although Caltrans is still involved if the project occurs on its right-of-way.

Caltrans may invoke this variance for joint projects where Caltrans and local government entity are involved provided that 1) the project is within the Caltrans Right-of-Way; 2) Caltrans reviews/ oversees all phases of the project including design, contracting, environmental assessment, construction, operation, and maintenance; and 3) Caltrans oversees the project to verify all variance conditions are complied with. Caltrans will be fully responsible for the variance notification and implementation in these joint projects.

jj) All correspondence shall be directed to the following office:

Hazardous Waste Permitting  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826

Attn: Caltrans Lead Variance Notification Unit

10. DISCLAIMER.

a) The issuance of this variance does not relieve Caltrans of the responsibility for compliance with Health and Safety Code, chapter 6.5, or the regulations adopted thereunder, and any other laws and regulations other than those specifically identified in Section 8 of this variance. Caltrans is subject to all terms and conditions herein. The granting of this variance confers no relief from compliance with any federal, State or local requirements other than those specifically provided herein.

b) The issuance of this variance does not release Caltrans from any liability associated with the handling of hazardous waste, except as specifically provided herein and subject to all terms and conditions of this variance.

11. VARIANCE MODIFICATION OR REVOCATION. This variance is subject to review at the discretion of DTSC and may be modified or revoked by DTSC upon change of ownership and at any other time pursuant to Health and Safety Code, section 25143.
12. CEQA DETERMINATION. DTSC adopted a Negative Declaration on June 30, 2009.

Approved:

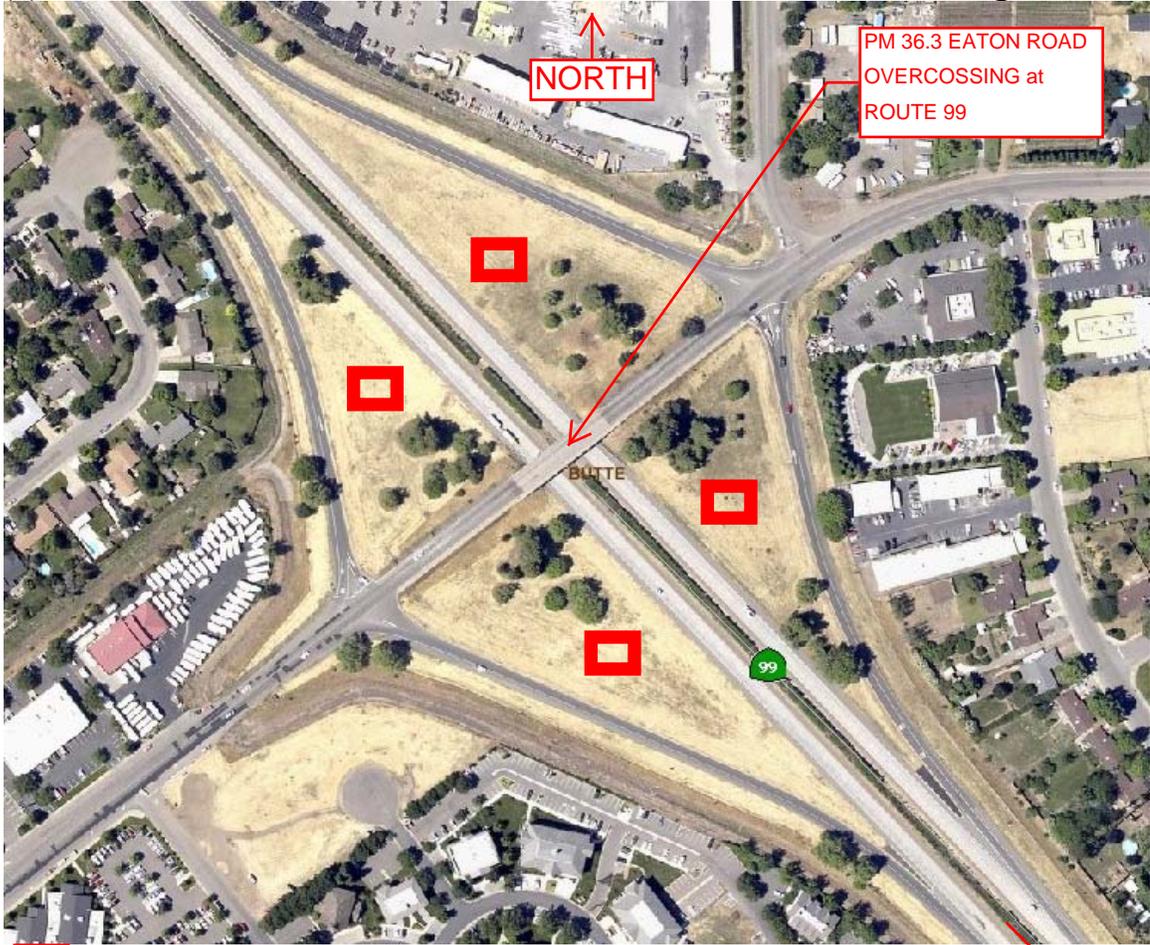
6/30/09  
Date

Beverly Rikala  
Beverly Rikala  
Operating Facilities Team  
Department of Toxic Substances Control

# LOCATION MAP

## STOCKPILING AREA(S) FOR MATERIAL CONTAINING HAZARDOUS WASTE CONCENTRATIONS OF AERIALY DEPOSITED LEAD 03-3A0424

### (1) East side of northbound Route 99, Eaton Road Overcrossing.



 = APPROXIMATE STOCKPILING  
AREA

PROJECT SITE, 3.5 MILES  
(APPROXIMATELY).