State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

Memorandum

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

Elizabeth Dohy

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.

- 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

Ongoing Contracts < 100% Completed
with Estimated Completion Date > 09/05/2005
with Aerially Deposited Lead (Type Y)

Sorted by Estimated Completion Date

District	Ea	Description	Units	Bid Price	Bid Qty	Bid Amt	Work Completed Pct *	Award Date	Est Comp Date	Resident Engineer
04	0T1444	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	15	2,950	44,250	78	12/11/02	10/12/05	Mahantesh Anigol
07	046024	STRUCTURE EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	18	3,150	56,700	71	04/15/04	11/23/05	Andy Soheili
07	046024	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	960	3	2,880	71	04/15/04	11/23/05	Andy Soheili
12	0F5704	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	250	4	1,000	8	02/11/05	12/13/05	Jay Joubeen
07	1069U4	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	CY	12	30,600	367,200	97	01/09/02	02/01/06	Gamal Tawfik
07	1069U4	STRUCTURE EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	CY	4	3,280	13,120	97	01/09/02	02/01/06	Gamal Tawfik
08	4567V4	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	9	10,300	92,700	2	04/07/04	03/24/06	Owen Spencer *
07	0510A4	STRUCTURE EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	40	131	5,240	67	12/17/03	04/15/06	Darrell McKenzie
04	229014	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	12	16,800	201,600	62	11/14/03	05/06/06	Alfonso Gonzalez
07	040104	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	23	520	11,960	3	10/29/04	05/24/06	Raj Punjabi
07	040104	STRUCTURE EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	20	680	13,600	3	10/29/04	05/24/06	Raj Punjabi
07	178704	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	30	1,040	31,200	82	05/20/03	06/30/06	Maher Subeh
07	178704	STRUCTURE EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	22	800	17,600	82	05/20/03	06/30/06	Maher Subeh
12	1072U4	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	15	630	9,450	70	12/06/02	07/28/06	Da Ken Bui
07	0607U4	STRUCTURE BACKFILL (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	49	390	19,110	60	04/26/02	08/17/06	Dragan Buha
07	0607U4	STRUCTURE EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	24	640	15,360	60	04/26/02	08/17/06	Dragan Buha
07	0607U4	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	10	53,400	515,310	60	04/26/02	08/17/06	Dragan Buha
07	1257U4	STRUCTURE EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	5	7,574	37,870	55	04/08/03	10/03/06	Martin Sandoval
07	1257U4	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	11	11,700	128,700	55	04/08/03	10/03/06	Martin Sandoval
07	1198U4	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	20	520	10,400	74	01/17/03	10/26/06	Ali Mashur
07	008704	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	17	1,220	20,130	89	10/02/02	12/01/06	Reda Karout
07	1199U4	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	55	150	8,250	20	08/20/04	03/05/07	Simon Yeh-Fu Wang
07	1199U4	STRUCTURE EXCAVATION (RETAINING WALL) (TYPE Y) (ADL)	M3	28	190	5,320	20	08/20/04	03/05/07	Simon Yeh-Fu Wang
07	1199U4	STRUCTURE EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	65	44	2,860	20	08/20/04	03/05/07	Simon Yeh-Fu Wang
07	1199U4	STRUCTURE BACKFILL (RETAINING WALL) (TYPE Y) (ADL)	M3	61	380	23,180	20	08/20/04	03/05/07	Simon Yeh-Fu Wang
04	253804	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	15	1,100	16,500	63	02/13/03	04/05/07	Darin Kishiyama
07	201204	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	10	3,150	31,500	0	03/02/05	04/30/07	David Njoya
07	201204	STRUCTURE EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	12	7,444	89,328	0	03/02/05	04/30/07	David Njoya
06	404104	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	60	316	18,960	85	05/21/01	05/11/07	Chris T. Johnson
08	474204	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	265	44	11,660	85	04/07/04	04/08/08	Michael Spray
07	1178U4	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	20	37,900	758,000	4	09/28/04	11/24/08	Rudy Cao
07	125204	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	125	41	5,125	0	02/18/05	03/31/06	Alvaro Carranza
07	1693C4	ROADWAY EXCAVATION (TYPE Y) (AERIALLY DEPOSITED LEAD)	M3	15	700	10,500	0	02/16/05	09/28/07	Gilbert Trujillo
Count:	22									

* 4 items of work on 3 contracts above showed 0% work completed.
These contracts were recently awarded.
These contracts were not in the plant establishment period.