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Secretary for
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Department of Toxic Substances Control

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8800 Cal Center Drive
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Arnold Schwarzenegger
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June 30, 2009

NOTICE OF FINAL VARIANCE DETERMINATION FOR THE CALTRANS STATEWIDE REUSE OF LEAD-CONTAMINATED SOILS

To Whom It May Concern:

In accordance with California Health and Safety Code, section 25143, the Department of Toxic Substances Control (DTSC) is granting a statewide variance from 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 the California Department of Transportation (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. This Variance authorizes Caltrans to place soil containing specific concentrations of aerially deposited lead under pavement or clean soil when following all of the provisions of the Variance.

On April 30, 2009, DTSC published a public notice in the Sacramento Bee, the Fresno Bee, and the Los Angeles Daily News to announce the start of a public comment period and dates for public hearings for the draft variance and draft California Environmental Quality Act (CEQA) Negative Declaration. DTSC sent a Notice of Preparation of Environmental Document to all County Clerk offices in California to announce the start of the public comment period and public hearing dates. DTSC also mailed Fact Sheets to residences in Sacramento and Fresno County. Public meetings and hearings were held at the AC Bilbrew Library in Los Angeles, Caltrans District 3 Office in Sacramento, and Caltrans District 6 Office in Fresno on May 6, May 13, and May 20, 2009, respectively. The public comment period ended on June 5, 2009. Public comments were received by written letter, email, and phone call.

DTSC has reviewed the public comments and considered them in the final determination. As a result, DTSC has made some changes to the Draft Variance and documented them in a Record of Revisions. DTSC has also prepared a Response to Comments to document and respond to all of the submitted comments.

WL, rjb
WL05W.069

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The final variance becomes effective on July 1, 2009. A copy of the complete administrative record for this variance determination is available for review at DTSC's Sacramento Regional Office at:

Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826
(916) 255-3758

Copies of the Final Variance, the Response to Comments, the Record of Revisions, and the CEQA Initial Study and Negative Declaration are available at the repositories listed below:

REPOSITORIES

AC Bilbrew Library
150 East El Segundo Boulevard
Los Angeles, California 90061

Caltrans District 3 Office
2800 Gateway Oaks Drive, Suite 100
Sacramento, California 95833

Caltrans District 6 Office
2015 East Shields Avenue, Suite A-100
Fresno, California 93726

Department of Toxic Substances Control Fileroom
8800 Cal Center Drive
Sacramento, California 95826

DTSC would like to thank everyone who participated in this determination process. If you have any questions about the variance determination, please contact Mr. Wayne Lorentzen at (916) 255-3883 or wlorentz@dtsc.ca.gov.