

COMMUNITY UPDATE

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

STATEWIDE AGREEMENT FOR CALTRANS FOR REUSE OF AERIALLY DEPOSITED LEAD-CONTAMINATED SOILS

You are invited to review and comment on a draft agreement between the Department of Toxic Substances Control (DTSC) and the California Department of Transportation (Caltrans) for Caltrans to reuse soil containing elevated concentrations of aerially deposited lead during highway improvement projects. The agreement applies to various freeway/highway construction projects in all Caltrans Districts statewide. Previously, Caltrans used a variance issued by DTSC to reuse ADL-contaminated soil.



SITE BACKGROUND

Until the mid-1980's gasoline and other fuels contained lead as an additive. As each motor vehicle traveled the highways, tiny particles of lead were emitted in the exhaust and settled on the soils next to the freeways and roads. Most of the time, lead tends not to move very far or very fast in the environment. Over the years, lead built up alongside the freeways and roads. Caltrans highway-widening projects disturb the soils, some of which contains lead. DTSC regulations specify at what levels lead in soil is considered to be a risk. In areas where road construction will occur, Caltrans has found levels of lead that are higher than DTSC's specifications. The lead is found within 30 feet of the edge of the pavement and within the top six inches of the soil. In some cases, the lead is as deep as two to three feet below the surface.

Public Comment Period



**March 24, 2016 -
May 10, 2016**

DTSC will accept public comments on the Statewide Agreement for Caltrans during the public comment period beginning **March 24, 2016 through May 10, 2016**. All comments must be received by **May 10, 2016**. Send all comments to:

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Sacramento, California 95826
(916) 255-3708
Perry.Myers@dtsc.ca.gov

Public meeting and hearing held:

Tuesday, May 3, 2016
6:00 P.M. - 8:00 P.M.
North Highlands-Antelope Library
4235 Antelope Road
Antelope, California 95843
and
Thursday, May 5, 2016
6:00 P.M. - 8:00 P.M.
Lynwood Library
11320 Bullis Road
Lynwood, California 90262



HEALTH RISK ASSESSMENT

Lead is toxic and it is present everywhere in the environment, most often at very low levels. If lead gets into the body above certain levels, it can cause damage to the nervous system or blood cells. Children are at the highest risk because their bodies are still developing. In children, even relatively low blood lead levels can cause learning disabilities. However, lead must enter the bloodstream to be harmful.

People can absorb lead into their blood in several ways. Adults, and especially children, could swallow lead that is attached to small dirt particles that gets into their mouths or on their hands. People can also swallow lead if it has gotten into drinking water. There are other routes of exposure, but DTSC does not believe that those routes apply in this case.

VARIANCE HISTORY

In April 1996, Caltrans asked DTSC to grant a variance from the hazardous waste rules to allow road construction projects to reuse soils containing lead from motor vehicle exhaust on the project site. Although the level of lead found in some areas is higher than that which is considered to be hazardous waste, Caltrans proposed to reuse the soil along the freeways and roads under construction without posing a threat to human health or the environment.

Caltrans identified several potential uses for the soil containing lead. These included:

- raising ground level for building park-and-ride lots and placing under new roads;
- building embankments at freeway overcrossings and interchanges;
- creating small hills along parts of freeways and roads;
- using as backfill for structures, to replace soils which construction crews remove to construct sound walls;
- re-filling trenches and holes created by removing obstacles, such as trees and barriers that are no

longer needed; and

- as roadbase fill, to level out the ground.

In addition, Caltrans has incorporated sections in its contracts with construction contractors that would require contractors to handle the lead-contaminated soil in certain ways. For example, soil found to contain lead would be kept separate from non-hazardous soil and the contractor would have to take dust control and security measures to keep people from coming into contact with it until it is reused. The lead would stay in place (beneath the road, highway, freeways, or a thick layer of clean soil, etc.) for the life of the highway. Even though current freeways and roads are designed to last 30 to 50 years, Caltrans notes that additional upgrades and widening are much more likely than abandoning old freeways. Therefore, the lead remains secure, and human health and the environment are protected.

In reviewing the variance request, DTSC studied how people might be exposed to the lead left in the soil and how best to protect their health. DTSC concluded that Caltrans could reuse soil containing lead as long as the concentration is below a certain level and people are kept from coming into contact with the lead-containing soil.

DTSC approved Caltrans request for a variance and it has been updated and renewed periodically from 1996 to the present. The current variance has been in effect since 2009. In June 2015, DTSC made the decision to transition from a variance to a new Agreement between DTSC and Caltrans to better manage soil with lead from vehicle exhaust that is disturbed during highway improvement projects in the State rights-of-way.

THE NEW AGREEMENT

The new Agreement DTSC is proposing to approve is similar to the variance with additional special provisions.

This section outlines key conditions of the Agreement:

- The Agreement would only apply to soils containing lead from motor vehicle exhaust;
- Caltrans must sample and test soils for lead content;



- When implementing the Agreement, Caltrans must obtain the approval of other state, regional, and local regulatory authorities;
- Caltrans must take certain steps when lead is at or above specified levels;
- Caltrans will properly dispose of lead-containing soil for which it has no use;
- Caltrans will be restricted to placing the soils only in areas that are at least five feet above the maximum water table elevation;
- Caltrans must take precautions with lead-contaminated soil that it digs and must keep it covered with thick plastic until it is reused;
- Caltrans may reuse the soil within the designated freeway corridor from which it came; and
- Caltrans will keep records and provide detailed reports to DTSC when it handles the soil containing lead. Caltrans will make copies of those records available to the public at applicable Caltrans District offices and at the appropriate information repositories.

The proposed Agreement contains several other detailed technical requirements as well. The table below shows the actions that Caltrans may take depending on the lead concentration of the soil.

**Minimum Cover Requirements for ADL-contaminated Soil
Based on Extractable and Total Lead Concentrations**

| Extractable Lead Concentration | | Total Lead Concentration | Minimum Cover Requirement |
|--|-----|--|---|
| Less than 5 mg/l CA-WET | and | Less than 320 mg/kg | No cover requirement |
| Greater than 5 mg/l CA-WET and equal to or below 1.5 mg/l DI-WET | or | Greater than 320 mg/kg but equal to or below 1600 mg/kg | One foot of clean soil |
| Greater than 1.5 mg/l DI-WET but equal to or below 150 mg/l DI-WET | or | Greater than 1600 mg/kg but equal to or below 3200 mg/kg | Pavement structure |
| Greater than 150 mg/l DI-WET | or | Greater than 3200 mg/kg | Subject to full regulation as hazardous waste |

* This is the minimum requirement. Such soil may alternatively be covered by a pavement structure.

To put the numbers shown in the table in context, soil containing lead with levels below 80 parts per million (ppm) is considered appropriate for use without restrictions at any property. Soil containing lead with levels below 320 ppm but above 80 ppm is considered appropriate for use at commercial properties but not residential properties.

Finally, as Caltrans plans and designs its highway projects, each project must comply with Federal as well as State environmental quality laws.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

DTSC has chosen to evaluate the decision to enter into an agreement with Caltrans for the management of lead containing soils through the California Environmental Quality Act (CEQA) to determine if it could have significant adverse impacts. DTSC completed an Initial Study and determined that the proposed project would not have a significant adverse impact. This finding is described in the Negative Declaration.



The environmental assessment included areas that could potentially be affected (soil, air, surface and ground water, transportation, public health and safety, etc.). DTSC analyzed the potential for residents, school children, etc., to be exposed to the lead-contaminated soil. The finding that the project would not have an adverse impact on the environment was based on:

- the low level of toxicity of the lead at the concentrations in the contaminated soil
- the lead-contaminated soil would be properly managed, tracked, and monitored and would not move.

NEXT STEPS

DTSC will review and consider comments received during the public comment period before making a final decision to approve, modify or deny the new Agreement. If comments are received from the community on the Statewide Agreement for Caltrans, DTSC will prepare a “Response to Comments” at the completion of the public comment period. Anyone who submits comments will receive a copy of the “Response to Comments”. Additionally, a copy of the “Response to Comments” would be placed in the information repositories.

INFORMATION REPOSITORIES

The Statewide Agreement for Caltrans, and project-related documents can be viewed at:

| Central Library | Southern - Caltrans | Central Valley - Caltrans | DTSC-Sacramento |
|--|--|--|---|
| 828 I Street Sacramento, California 95814 (916) 264-2700 Call for hours | 120 South Spring Street Los Angeles, California 90012 (213) 897-0693 Call for hours | 1352 West Olive Avenue Fresno, California 93728 (559) 488-4082 Call for hours | 8800 Cal Center Drive Sacramento, California 95826 (916) 255-3758 Call for appointment |

DTSC CONTACT INFORMATION

The following individuals can be contacted with any questions or concerns you may have regarding the project.

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| Perry Myers Project Manager (916) 255-3708 Perry.Myers@dtsc.ca.gov | Tammy Pickens Public Participation Specialist (916) 255-3594 or (866) 495-5651 Tammy.Pickens@dtsc.ca.gov | Russ Edmondson Public Information Officer (916) 323-3372 Russ.Edmondson@dtsc.ca.gov |
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