

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2006-0089

WAIVING WASTE DISCHARGE REQUIREMENTS
FOR
CALIFORNIA DEPARTMENT OF TRANSPORTATION, REGION X
HIGHWAY 99 MEDIAN IMPROVEMENT PROJECT
PM 18.5 TO PM 29.0
SAN JOAQUIN COUNTIES

WHEREAS, Water Code Section 13260(a) requires that any person discharging wastes or proposing to discharge wastes with the region that could affect the quality of waters of the State shall file a Report of Waste Discharge; and

WHEREAS, the California Department of Transportation, Region X submitted a Report of Waste Discharge for the Highway 99 Median Improvement Project on 2 June 2006; and

WHEREAS, California Department Transportation projects are categorically exempted from CEQA; and

WHEREAS, the Highway 99 Median Improvement Project is located along Route 99 between Stockton and Lodi, California (between road markers PM 18.5 to PM 29.0); and

WHEREAS, the Highway 99 Median Improvement Project will involve the reuse or disposal of approximately 58,070 tons of soil; and

WHEREAS, soil investigations have determined that the soil to be removed for this project contains various amounts of aerial deposited lead; and

WHEREAS, approximately 6,000 tons of the soil contains hazardous lead concentrations and the remaining 52,070 tons of soil contain sufficient soluble lead concentrations to be classified as designated waste; and

WHEREAS, California Department of Transportation tested soils to be excavated at a frequency of one sample per 100 meters of median (or approximately one sample per 400 cubic meters of soil);

WHEREAS, soils with total lead in excess of 350 mg/kg will be removed and transported to a Class I Landfill for disposal; and

WHEREAS, soils with total lead less than 350 mg/kg will be excavated and amended with a 10 percent Portland cement; and

WHEREAS, after amendment, soils will be sampled and tested at a frequency of one sample per 50 meters of median (or approximately one sample per 200 cubic meters of soil) or at a frequency to provide sufficient samples for statistical analyses of the amended soil data set; and

WHEREAS, the amended soils will be reused as engineered fill beneath pavement or beneath vegetated embankments; and

WHEREAS, when placed the amended soils will be compacted to a relative compaction of 90% using a sheepsfoot compactor; and

WHEREAS, if used in embankments the amended, compacted soils will be placed on no more than a 2:1 slope, and covered with a minimum of 0.3 meters of topsoil and;

WHEREAS, investigation has shown that depths to groundwater in the area of the project exceed 50 feet; and

WHEREAS, the Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board) has a statutory obligation to prescribe waste discharge requirements except where a waiver is not against the public interest; and

WHEREAS, the Regional Board has determined that by amending the soils with 10% Portland cement and placing the compacted soil under pavement or vegetated embankments the discharge poses little or no threat to water quality; and

WHEREAS, the Regional Board held a hearing on 4 August 2006 and considered all evidence concerning this matter:

RESOLVED, that the California Regional Water Quality Control Board, Central Valley Region, waives waste discharge requirements for the California Department Transportation Highway 99 Median Improvement Project between road markers PM 18.5 and PM 29, subject to the following conditions:

1. The discharge of soils shall not create a condition of pollution or nuisance as defined in Section 13050, California Water Code; and
2. After amendment, soils shall be sampled and tested at a frequency of one sample per 50 meters of median (or approximately one sample per 200 cubic meters of soil) or at a frequency to provide sufficient samples for statistical analyses of the amended soil data set; and
3. Those soils total lead with concentrations in excess of 350 mg/kg will be removed for disposal at an appropriate landfill; and

4. Remaining soils will be amended with 10 percent Portland cement for reuse as fill under pavement or in embankments; and
5. Samples of amended soil will be analyzed for soluble lead using EPA Method 6010B after WET extraction and for soluble lead using EPA method 6010B after DI WET extraction; and
6. Amended soils will not be placed within 50 feet of any surface water body or irrigation ditch; and
7. Emplaced soil will be compacted to approximately 90 percent of relative compaction; and
8. Best management practices will be employed as needed to prevent excess erosion and runoff from the emplaced soils; and
9. The California Department of Transportation will submit a final report documenting the amendment process and soil placement no later than **60 days** after completion of the project.

RESOLVED, California Water Code Section 13269 requires that waivers may not be adopted for greater than a five year period, and therefore six months before the waiver expires (**3 February 2011**) a report of waste discharge must be submitted to review the waiver for the Highway 99 Median Improvement Project.

RESOLVED, that this action waving waste discharge requirements is conditional and may be terminated at any time.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a true, full, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 4 August 2006.

PAMELA C. CREEDON, Executive Officer