

MANUAL CHANGE TRANSMITTAL		NO. 26-1
TITLE: Department of Transportation <i>Construction Manual</i>	APPROVED BY:  Jeremy Peterson-Self, Chief Division of Construction	DATE ISSUED: 2-25-2026
SUBJECT AREA Sections 1-2 and 7-1	ISSUING UNIT Division of Construction	
SUPERSEDES Sections 1-2 of February 2022 and 7-1 of April 2025	DISTRIBUTION All Requested Manual Holders	

The purpose of this manual change transmittal is to announce updates and corrections to the Caltrans *Construction Manual*. Please note the updates and print new sections for your manual as needed. Updated sections are published on <https://dot.ca.gov/programs/construction/construction-manual> and are indicated by the date listed in the right-hand column on that page. Content changes, not including edits for clarity, are enumerated:

Section 1-2, “Public Relations”

Edits to Section 1-204, “Relations With Utility Companies and Other Public Agencies,” include adding local Native American Tribal governments to the list of agencies the resident engineer should build working relationships with. Clear communication, early outreach, and use of public information officers are emphasized to support project delivery and public trust.

Section 7-1, “Environmental Rules and Requirements”

Edits to Sections 7-103C, “Cultural Resources,” 7-103E, “Native American Concerns,” 7-102A, “Resident Engineer Responsibilities” and Table 7-1.2, “Federal Agency Permits, Licenses, Agreements, and Certifications (1 of 2) and (2 of 2),” provides clarification on how cultural resources, community impacts, and Native American concerns must be addressed and protected during construction projects. The resident engineer is responsible for coordinating with environmental staff, contractors, and cultural specialists, ensuring training, compliance, and full cooperation are carried out.

Chapter 1 Caltrans Construction Organization

Chapter 1 Caltrans Construction Organization

1-201 General

1-202 Relations Among Caltrans Personnel

 1-202A The Resident Engineer and Staff

 1-202B The Resident Engineer and the District

1-203 Relations With the Contractor

1-204 Relations With Utility Companies and Other Public Agencies

1-205 Relations With the Public

1-206 Relations With the Media and Traveling Public

Chapter 1 Caltrans Construction Organization

Section 2 Public Relations

1-201 General

As representatives of Caltrans, construction personnel should conduct themselves professionally at all times. The subject of communication is divided into five categories:

- Internal relations among Caltrans personnel
- Relations with the contractor
- Relations with utility companies and other public agencies
- Relations with the public
- Relations with the media and traveling public

1-202 Relations Among Caltrans Personnel

Within Caltrans, public relations are divided into two subcategories, relations between the resident engineer and staff and relations between the resident engineer and the district.

1-202A The Resident Engineer and Staff

Developing and maintaining good relationships between Caltrans and other personnel is largely a matter of adequate communication and a clear division of responsibility.

Communication is important between the resident engineer and project personnel. It is recommended that resident engineers hold short staff meetings each workweek. At these meetings the resident engineer should brief assistant resident engineers on the planned operations, announce any changes or new assignments of responsibility, and discuss any other subjects deemed pertinent.

Resident engineers should provide personnel with an opportunity to demonstrate their capabilities, and capacity for responsibility, and provide opportunities for assistant resident engineers to gain experience in the various construction phases.

Assignment rotation is encouraged as long as the effectiveness of the overall operation does not suffer. Similarly, if feasible, assigning personnel to operations different from those handled on previous projects is an option. Newly assigned personnel should study the applicable portions of the *Standard Specifications*, special provisions, plans, this manual, and any other Caltrans publications deemed applicable. An individual should not be assigned new work responsibilities until the resident engineer is confident that the individual can perform them correctly and effectively.

1-202B The Resident Engineer and the District

Communication is a shared responsibility. Resident engineers should keep their supervisors adequately informed about project events, so they are not caught off guard by information from outside sources. Likewise, supervisors should keep their personnel informed about decisions that affect their areas of responsibility. Resident engineers should learn about district decisions affecting their projects directly from their supervisors, not from outside sources.

All Caltrans functional units perform their duties based on the information available to them, just as construction forces do. When differences of opinion arise on any aspect of a project, whether related to design, traffic handling, or other issues, the resident engineer should approach the discussion with an open mind and work collaboratively to resolve the matter. Clear communication and mutual respect are essential to keeping the project moving forward.

1-203 Relations With the Contractor

In communicating with the contractor and the contractor's personnel, it is important that the resident engineer take a clear position. It is better to start on a basis of administering the contract firmly in accordance with the plans and specifications than it is to address a situation later in the contract's life caused by laxity.

The employees assigned to construction should have a thorough knowledge of the plans and specifications governing the contract. This should promote good relations with the contractor's personnel. If the resident engineer and assistant resident engineers demonstrate thorough knowledge of the plans and specifications, it is more likely that the contractor's personnel will respect the resident engineer's judgment in cases where contract interpretation becomes an issue. A satisfactory relationship between Caltrans and the contractor generally results from good communication between the resident engineer and the contractor's superintendent.

Contract administration involves several attributes. Ideally, resident engineers and assistant resident engineers should be experienced, resourceful, considerate, and have a thorough knowledge of the specifications and work to be done.

There are 2 types of specifications:

- Method specifications, which list explicit materials, equipment, and construction requirements. Method specifications are more restrictive to the contractor's options.
- Quality assurance specifications contain statements of required results that focus on the desired quality level of the finished product.

Deviations from specified methods require change orders. Deviations must also provide equal or better results while preserving the contract's integrity.

1-204 Relations With Utility Companies and Other Public Agencies

Good public relations with internal and external stakeholders will have a beneficial effect in completing a construction project within scope, schedule, and budget. Preconstruction discussions that may affect Caltrans functional units, local agencies, or communities should involve all stakeholders.

The resident engineer should make early personal contact and establish a mutually beneficial working relationship with staff of affected utility companies or other agencies. Agencies may include local school districts, local transit agencies, permitting agencies, California Highway Patrol, local police organizations, local bicyclist and pedestrian advocacy groups, local community groups, local Native American tribal governments, and any other government agency or local group with an interest in the project. Early personal contact with staff from these agencies and groups will acquaint them with upcoming construction operations and will enable them to have input and schedule their work or services to the best advantage of all concerned parties.

1-205 Relations With the Public

Another important part of public relations is courteously interacting with the people living or working near the project. They are the ones most affected by construction operations. Title VI of the Civil Rights Act of 1964, supplemented by Executive Order 12898, addresses environmental justice as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

The following guidance on public outreach and stakeholder engagement addresses Caltrans' mandated responsibility to make sure that projects do not adversely affect communities. When talking to the public, staff should limit comments to operational information only. All other questions or inquiries should be directed to the public information officer (PIO).

By courteously listening to and addressing the public's questions and concerns, the resident engineer can generate good faith with the general public and individuals.

Construction operations, including temporary closures of streets and driveways, and construction noise (especially at night) may have an adverse effect on residents and businesses adjacent to the project. Informing people living and working near the project about the reason for, and the duration of the activity, will go a long way towards a higher degree of acceptance and tolerance. Timely notice is important. Also consider rescheduling construction activity around major businesses or public events.

The necessity for residential relocations should be considered during constructability reviews and, if necessary, discussed at project development team meetings. Details for temporary relocations appear in Section 10.10.05.01, "Temporary Residential Lodging due to Nighttime Construction Work," of the *Right of Way Manual*.

If nighttime noise levels become an issue during construction, and temporary relocation of residents is not addressed in the project files, contact the construction field coordinator for guidance.

Start public relations early. The fullest possible cooperation of the contractor's organization should be solicited to achieve the most effective public relations. The resident engineer and the superintendent can make sure people living and working in the area know that the inconvenience, noise and dust will be kept to a minimum. For some projects on metropolitan freeways, contractors distribute their own informational folders to area residents and businesses. This practice should be encouraged.

Project staff should refer all media inquiries to the district PIO and, unless specifically authorized, should politely direct such inquiries to the appropriate PIO rather than speak on behalf of Caltrans themselves.

1-206 Relations With the Media and Traveling Public

When it comes to the traveling public, highway construction information must be conveyed to large numbers of highway users, including those who commute regularly over a particular route and those who use the route occasionally, contact the PIO early in the project. Caltrans is responsible for environmental justice for the communities potentially affected by transportation decision-making processes, in accordance with Title VI of the Civil Rights Act of 1964. To verify compliance with the federal regulations, Caltrans must endeavor to receive full and fair participation from the community and to equitably distribute burdens and benefits during the development, construction, operation, and maintenance of Caltrans projects. The PIO will use print media, social media, radio, internet, and television to publicize the upcoming work.

Another helpful method of promoting good public relations is to use district personnel as speakers during meetings at the local chambers of commerce and service clubs. Resident engineers so inclined might consider joining a service organization. Frequent notices and progress reports in the local media are also common and effective methods of keeping the public informed about changing project conditions.

The PIO should also issue news releases. The PIO should contact members of the local news media before the job starts, inform them how they can contact the proper person for information throughout the contract, and invite them to tour the project with the resident engineer. In special cases, the district may prepare and distribute pamphlets to motorists who are delayed as they pass through construction. If the traveling public outside of the district will be affected, the Caltrans information officer at Headquarters must be advised directly.

If someone from the media asks for information, refer them to the PIO. Unless specifically instructed to speak to the media, politely refer all questions to the appropriate PIO. Sometimes the PIOs will be the only individuals who may respond for Caltrans about an issue. The PIO may arrange for site visits for the media and will inform the resident engineer of the scheduled visit. The resident engineer should inform the contractor of these scheduled visits. In the case of a traffic event, an

emergency, or other incidents that prompt unscheduled media visits, the resident engineer should inform the public information officer immediately.

Project personnel should always keep in mind that they are representatives of Caltrans and the State of California. As such, they are expected to conduct themselves in a professional manner that will command respect, be a credit to the organization, and pass along vital information to the public. The resident engineer should provide project access and information as deemed safe, based on the project conditions.

Section 1 Environmental Rules and Requirements

7-101 General

7-102 Environmental Commitments Record

7-102A Resident Engineer Responsibilities

7-103 Protection of Environmental Resources

7-103A Biological Resources and Species Protection

7-103A (1) Resident Engineer Responsibilities

7-103A (2) Contractor Inspections

7-103A (3) Project Files

7-103B Environmentally Sensitive Area

7-103C Cultural Resources

7-103C (1) Resident Engineer Responsibilities

7-103C (2) Unanticipated Discovery of Archaeological Resources

7-103D Community Effects and Environmental Justice

7-103E Native American Concerns

7-103E (1) Resident Engineer Responsibilities

7-103F Aesthetics

7-103G Paleontological Resources

7-103H Disposal, Staging, and Borrow Sites

7-103H (1) Caltrans- and Contractor-Designated Disposal, Staging, and Borrow Sites

7-103H (2) Surface Mining and Reclamation Act

7-103I Other Contractor Uses of the State Right-of-Way

7-104 Air, Water, and Noise Pollution Control

7-104A Air Pollution Control

7-104A (1) Air Quality

7-104A (2) Dust Control

7-104B Water Pollution Control

7-104B (1) District Construction Stormwater Coordinator Responsibilities

7-104B (2) Resident Engineer Responsibilities

7-104B (3) Stormwater Inspector Responsibilities

7-104B (4) Contractor Inspections

7-104B (5) Amendment Review and Processing

7-104B (6) Project Files

7-104B (7) Contractor Files

7-104C Noise Control

7-105 Permits, Licenses, Agreements, and Certifications

- 7-105A Special Use Permits and Other Federal Permits
- 7-105B California Fish and Game Code Sections 1602 and 5650
- 7-105C List of Potential Permits, Licenses, Agreements, and Certifications
 - Table 7-1.1. State and Local Agency Permits, Licenses, Agreements, and Certifications (1 of 3)
 - Table 7-1.1. State and Local Agency Permits, Licenses, Agreements, and Certifications (2 of 3)
 - Table 7-1.1. State and Local Agency Permits, Licenses, Agreements, and Certifications (3 of 3)
 - Table 7-1.2. Federal Agency Permits, Licenses, Agreements, and Certifications (1 of 2)
 - Table 7-1.2. Federal Agency Permits, Licenses, Agreements, and Certifications (2 of 2)
- 7-106 Hazardous Materials**
- 7-107 Hazardous Waste and Contamination**
 - 7-107A Contractor-Generated Hazardous Waste Versus Caltrans-Generated Hazardous Waste
 - 7-107B Aerially Deposited Lead
 - 7-107B (1) Unregulated Material
 - 7-107B (2) Regulated Material
 - 7-107B (3) Minimal Disturbance of Regulated Material Containing Aerially Deposited Lead
 - 7-107C Naturally Occurring Asbestos
 - 7-107D Caltrans-Generated Contaminated Soil
 - 7-107E Removing Yellow Traffic Stripe and Pavement Marking with Hazardous Waste Residue
 - 7-107F Disturbance of Existing Paint Systems on Bridge
 - 7-107G Treated Wood Waste
 - 7-107H Disposal of Electrical Equipment Requiring Special Handling
 - 7-107I Unanticipated Discovery of Hazardous Waste and Contamination
- 7-108 Crumb Rubber Usage Reporting**
- 7-109 Solid Waste Disposal and Recycling Reporting**
 - Figure 7-1.1. Unknown Hazards Procedure
- 7-110 Certificate of Environmental Compliance**

Section 1 Environmental Rules and Requirements

7-101 General

This section provides information and guidelines for administering the various environmental requirements for Caltrans construction contracts.

The district Construction deputy director is responsible for making sure that the environmental permit, license, agreement, and certification (PLAC) requirements are enforced. Within district Construction, stormwater coordinators are appointed. Within either the district Environmental or district Construction, environmental construction liaisons are appointed. The environmental construction liaisons must have appropriate training, background, and experience to facilitate effective communications necessary to carry out the responsibilities of district Construction and the district Environmental Unit. To meet legal requirements, district Construction staff must coordinate and communicate with environmental staff, possess appropriate skills, receive appropriate training, and understand their role in successfully carrying out environmental commitments, including PLACs, within the contract requirements.

7-102 Environmental Commitments Record

Caltrans established the environmental commitments record (ECR) policy and procedures in a memo dated June 5, 2005, from the chief environmental engineer to confirm that Caltrans meets its environmental commitments for each project by:

- Documenting environmental commitments including PLACs.
- Specifying how each commitment will be met.
- Documenting the completion of each commitment.

The ECR specifies that all relevant environmental compliance information and PLAC requirements; basic project information, including each environmental commitment, person or unit responsible for commitment completion; timing and manner of implementation; location. The ECR documents environmental and other project commitment requirements. The ECR is part of the resident engineer's pending file and is necessary to oversee and track the project environmental commitments. It's also used to prepare the Certificate of Environmental Compliance (CEC) during contract acceptance.

The resident engineer reviews the ECR with the environmental construction liaison or district Environmental Unit personnel during the preconstruction meeting with Caltrans personnel before meeting with the contractor. The environmental construction liaison or district Environmental Unit assists with discussing the requirements at the preconstruction meeting. The resident engineer monitors the progress of all construction-related environmental commitments throughout the life

of the contract and verifies their implementation. Commitments completed during construction are tracked on the ECR.

The following are necessary for meeting environmental commitments during construction as required by Caltrans policy and law. Refer to Sections 7-103 through 7-109 of this manual for additional requirements specific to:

- Environmental resources
- Air, noise, and water pollution control
- Permits, licenses, agreements, and certifications (PLACs)
- Hazardous materials management
- Hazardous waste and contamination
- Crumb rubber usage reporting
- Solid waste disposal and recycling reporting

7-102A Resident Engineer Responsibilities

The resident engineer uses all available assistance and expertise to understand and meet the commitments listed in the ECR. This assistance may come from the environmental construction liaison, stormwater coordinators, project biologist, project cultural specialist, or other functional areas in the district or region, such as design, hazardous waste, paleontology, hydraulics, or the public information office (PIO).

Before work begins, the resident engineer must do the following:

- Verify that the resident engineer's pending file contains the ECR. An ECR is required for every project; if it is missing, contact the project engineer to obtain it.
- Review the resident engineer's pending file, ECR, PLACs, construction contract, and Section 13, "Water Pollution Control," and Section 14, "Environmental Stewardship," of the *Standard Specifications* for commitments.
- Identify notices, required approvals, and actions necessary to meet regulatory requirements and stewardship goals.
- Meet with the environmental construction liaison, district Construction stormwater coordinator, project biologist, project cultural specialist, and appropriate environmental and engineering experts in the district to share a full understanding of the contract requirements and commitments listed in the ECR.
- Depending on the project's size and complexity, an additional preconstruction meeting may be used exclusively for discussing environmental commitments and requirements.
- Review Section 10-1.03, "Time Constraints," Section 13, "Water Pollution Control," and Section 14, "Environmental Stewardship," of the *Standard Specifications* and the special provisions for water pollution control and environmental time constraints. Make sure those time constraints are reflected in the critical path method baseline schedule, including submittal review times.

During the course of work, the resident engineer must do the following:

- Periodically meet with the environmental construction liaison to review the ECR and confirm that environmental commitments required by the contract will be met.
- Inspect the contractor's operations for compliance with the specifications and the PLACs.
- Before submitting a change order or an authorization to proceed with change order work, review the change order work with the environmental construction liaison to confirm that the proposed change does not adversely affect environmental commitments.
- Verify that the contractor notifies and obtains the resident engineer's approval in advance for each new activity as required. Check that the contractor's schedule is coordinated with necessary environmental activities.
- Direct the contractor to correct any identified deficiencies in environmental compliance efforts.
- Should noncompliance occur, initiate contractual enforcement procedures appropriate to the nature and severity of the situation.

Before accepting the contract, the resident engineer must do the following:

- Verify that all environmental commitments required by the PLACs and the contract have been met.
- Require the contractor to remove temporary best management practices (BMP) measures, such as environmentally sensitive area (ESA) fences or other measures unless the BMP measures are part of permanent measures or requested to be left in place by the district Maintenance Unit.
- Conduct a final walk-through of the project area with the environmental construction liaison.

7-103 Protection of Environmental Resources

This section contains guidelines for protecting and preserving environmental resources, such as biological, cultural, Native American, or paleontological items, and administering the contract's environmental resource requirements during construction as required by Caltrans policy and law.

7-103A Biological Resources and Species Protection

Both state and federal laws protect designated plant and animal species and their respective habitats. Strict prohibitions exist on certain types of work, work during certain times of the year, or work at specific locations. Even inadvertently affecting protected species can result in fines or jail sentences and may result in significant project delays. However, during construction, project staff or personnel from regulatory agencies may discover protected species that were not anticipated in the

contract. If such a discovery occurs, suspend work in the area and immediately notify the environmental construction liaison, project biologist, or Environmental Unit.

The U.S. Migratory Bird Treaty Act and the California Fish and Game Code make it illegal to harm migratory birds, nongame birds, and their occupied nests. Activities that are most likely to encounter migratory birds, nongame birds, and their occupied nests include clearing and grubbing, bridge demolition, maintenance, and retrofit work. Bird protection is a subset of species protection and applies to bird protection. PLACs and the bird protection or species protection measures in the contract will specify the necessary protection measures and restrictions, and the plans will show any ESAs.

When occupied nests are found within the project area, the resident engineer will evaluate with the assistance of the environmental construction liaison or project biologist, whether work in the area can continue or if suspension of work is necessary. The resident engineer will immediately contact the environmental construction liaison or district Environmental Unit for assistance in this evaluation.

7-103A (1) Resident Engineer Responsibilities

The resident engineer uses all available assistance and expertise to protect natural resources. This assistance may come from the environmental construction liaison, contractor-supplied biologist, project biologist, other state-furnished biologist, or other functional areas in the district, such as design, cultural resources, stormwater, hazardous waste, paleontology, and hydraulics.

Before work begins, the resident engineer must do the following:

- When the contract specifies a contractor-supplied biologist, regulatory agency approvals may be required before accepting the contractor-supplied biologist. Do not accept submittals from the contractor-supplied biologist until approval is obtained. Understand that a contractor-supplied biologist works for the contractor and does not speak for Caltrans.
- Meet with the environmental construction liaison, project biologist, and appropriate environmental and engineering experts in the district to share a full understanding of the contract requirements for species and natural resource protection.
- If an ECR-required Biological Resource Information Program (BRIP) has been prepared by Caltrans, supply a copy to the contractor. If the specifications require the contractor to prepare a BRIP, coordinate a review with the environmental construction liaison or project biologist. Only accept the BRIP if it complies with the PLACs and provisions of the contract.
- If there is a bid item for a natural resource protection plan, Section 14-6.03D(2), "Natural Resource Protection Plan," of the *Standard Specifications* will apply. Coordinate review of the contractor's natural resource protection plan with the environmental construction liaison or project biologist. Note that the specifications prohibit any work that has the potential to adversely affect protected species and their habitat without permission from regulatory agencies.

- Before earthwork or clearing and grubbing begins, request that required preconstruction biological surveys be completed and results be provided to help the engineer understand regulatory requirements that may affect scheduled activities.
- If work occurs in water, or where vibrations or sounds from construction or other project-related activities may pass into waters, review hydroacoustic requirements for the protection of water-dependent species and make sure that necessary protections, approvals, monitoring activities, and reports are complete or active as required.
- Designate appropriate staff to assist in preventing adverse effects to biological resources as needed.

During the course of work, the resident engineer must do the following:

- If required by the specifications or PLACs, maintain a copy of the BRIP on the project site and make sure that staff completes required training.
- Inspect the contractor's operations for compliance with the specifications, PLACs, biological provisions, and the accepted natural resource protection plan, when required.
- Verify that the contractor adheres to the monitoring or survey schedule set forth in the PLACs, biological provisions, and the accepted natural resource protection plan, and provides written reports of these inspections on schedule.
- Verify that the contractor maintains species protection measures so that they will function as planned.
- Confirm that the contractor has the necessary staff and materials on hand to inspect and maintain species protection measures.
- Make sure the contractor notifies and obtains the resident engineer's approval in advance for each new activity, as required. Make sure the contractor's schedule is forwarded to the environmental construction liaison or project biologist and coordinated with necessary resource monitoring.
- Monitor the construction to make sure it does not result in new barriers to aquatic species passage or create issues with maintenance of existing passages.
- Immediately notify the environmental construction liaison and project biologist when protected resources are affected or may be affected by project activities. The project biologist will determine what action is necessary and will advise the resident engineer.
- If necessary, meet with personnel from regulatory agencies, such as the U.S. Fish and Wildlife Service; Environmental Protection Agency (EPA); Army Corps of Engineers; National Oceanographic and Atmospheric Agency, National Marine Fisheries Service; and the California Department of Fish and Wildlife, to discuss protected natural resources and measures to protect resources. The environmental construction liaison or project biologist will assist in discussions and negotiations with regulating agencies.

Before accepting the contract, the resident engineer must do the following:

- As required by the PLACs and by the contract, determine that all biological requirements are complete.
- Verify the project has not maintained or created barriers to aquatic organism passage.
- Conduct a final walk-through of the project area with the project biologist.

7-103A (2) Contractor Inspections

The PLACs and special provisions for species protection may require the contractor to inspect the job site periodically for the proper implementation, performance, and maintenance of species protection measures. The contractor must follow the species protection measures specified in the PLACs, special provisions, and natural resource protection plan, and may be required to report on activities.

If any situation constitutes potential noncompliance with the permit, the resident engineer must conduct a verification inspection, and, if a noncompliant condition exists, report it to the environmental construction liaison or project biologist. The environmental construction liaison or project biologist will coordinate with the district environmental office to determine the actions required, including timely reporting to regulatory agencies and necessary options for compliance. The resident engineer must require the contractor to amend the natural resource protection plan, if necessary, and to install additional species protection measures to achieve compliance.

7-103A (3) Project Files

The resident engineer must keep copies of all applicable documents related to species protection measures as required in PLACs, special provisions, BRIP, and the natural resource protection plan, and retain copies in Category 18, "Agreements," of the project files. Keep all the required documents for at least 3 years after contract completion, or longer if required by the PLACs. Provide specific disposition instructions in Category 18, "Agreements," when retention beyond 3 years is required. These documents include the following:

- Periodic reports and photographs related to species protection as required
- Notification documentation of regulated species as required by PLACs
- All correspondence related to species protection, including notices of noncompliance
- Inspection, survey, and monitoring reports supplied by the contractor, environmental construction liaison, or project biologist
- Inspection reports from the resident engineer and assistant resident engineer
- Copies of the approvals and certifications required by the specifications

7-103B Environmentally Sensitive Area

The ESA is shown approximately on the plans and creates a secure area within the plan boundaries enclosed by a temporary fence (Type ESA). The resident engineer should consult with the environmental construction liaison when marking the exact boundaries of the ESA. If the area is breached, immediately secure it, stop all operations within 60 feet of the boundary, and verify that the contractor follows the directions in Section 14-1.02, "Environmentally Sensitive Area," of the *Standard Specifications*. The resident engineer will consult with the environmental construction liaison, project biologist, or project cultural specialist before approving entry into an ESA and when identifying or assessing damage.

If the ESA is damaged, document the damage and, through consultation with the environmental construction liaison or district Environmental Unit, determine the necessary remediation, including the party to perform the remediation work. Take an administrative deduction for the cost of the work when applicable, as covered by Sections 3-906G, "Deductions," and 5-103F (1c), "Deductions," of this manual.

7-103C Cultural Resources

Cultural resources encompass archaeological, Native American, and built environment resources, including buildings, structures, objects, districts, sites, and traditional cultural places. In advance of construction, project cultural specialists in the areas of archaeology, history, architectural history, and Native American studies will make a good faith effort to identify cultural resources and establish measures to avoid or minimize project effects on these resources. However, there is always a likelihood for buried cultural deposits, features, or human remains to be uncovered during construction. Activities that are most likely to encounter buried cultural resources include clearing and grubbing of vegetation and earth-moving activities, such as excavating, grading, trenching, or drilling.

Both state and federal historic preservation laws protect significant cultural resources. Strict prohibitions exist on certain types of work at locations where cultural resources have been identified. Any effect to cultural resources, even if inadvertent, can result in significant project delays. The cultural resources section in the contract will specify the necessary protection measures and restrictions, and the plans will show ESAs. When applicable, the plans will also show the locations of environmental monitoring areas (EMA) where access is allowed but work is subject to monitoring by project cultural specialists—referred to as environmental monitors in Section 14-2.03B, "Environmental Monitoring Area," of the *Standard Specifications*, and special provisions. The resident engineer must make sure the construction contractor, environmental construction liaison, and project cultural specialists coordinate and cooperate when work occurs within an EMA.

7-103C (1) Resident Engineer Responsibilities

The resident engineer uses all available assistance and expertise to protect cultural resources. This assistance may come from the environmental construction liaison,

project cultural specialist, Native American monitor, or other contractor-supplied or state-furnished cultural specialist.

Before work begins, the resident engineer must do the following:

- Obtain required district Environmental Unit approvals before accepting a contractor-supplied cultural specialist or Native American monitor, if specified in the contract. Do not accept submittals from the contractor-supplied cultural specialist or Native American monitor until approval is obtained. Understand that a contractor-supplied cultural specialist or Native American monitor works for the contractor and does not speak for Caltrans.
- Meet with the environmental construction liaison, project cultural specialist, and appropriate environmental and engineering experts in the district to share a full understanding of the contract requirements for cultural resource protection.
- Coordinate with the environmental construction liaison or project cultural specialist to provide cultural sensitivity training to contractor personnel at the start of construction, in conformance with Section 14-2.03C, "Cultural Sensitivity Training," of the *Standard Specifications*. If formal cultural sensitivity training is not established through special provisions of the contract, the training will consist of the resident engineer, environmental construction liaison, or both, reviewing with the contractor the requirements under Section 14-2.03A, "General," of the *Standard Specifications*.
- Coordinate a field review with the contractor, environmental construction liaison, and project cultural specialist if there is a monitoring area, and Section 14-2.03B, "Environmental Monitoring Area," of the *Standard Specifications*, and the special provisions apply.
- Designate appropriate staff to assist in preventing adverse effects to cultural resources as needed.

During the course of work, the resident engineer must do the following:

- Make sure new contractor personnel complete cultural sensitivity training if it is required by the special provisions.
- Inspect the contractor's operations for compliance with the specifications and cultural resources provisions.
- Confirm that the contractor notifies and obtains the resident engineer's approval in advance for each new activity, coordinates any necessary monitoring of EMA, as required, and forwards the work schedule to the environmental construction liaison and project cultural specialist.
- Immediately notify the environmental construction liaison and project cultural specialist when protected cultural resources are affected or may be affected by project activities. The project cultural specialist will determine what action is necessary and will advise the resident engineer.

- If necessary, meet with members of Native American tribal governments to discuss protected cultural resources and measures to protect resources. The project cultural specialist will assist in discussions and any required negotiations.

Before accepting the contract, the resident engineer must do the following:

- If applicable, conduct a final walk-through of the project area with the environmental construction liaison or project cultural specialist to confirm that all cultural resource requirements are complete.

7-103C (2) Unanticipated Discovery of Archaeological Resources

If, during construction, a previously unknown archaeological resource is discovered within or near the construction limits, Section 14-2.3A, "General," of the *Standard Specifications* will apply. Follow the general procedures:

- Immediately upon the discovery of an archaeological resource, stop all work within a 60-foot radius of the discovery.
- Secure the area with a temporary barrier or fence.
- Immediately notify the environmental construction liaison and project cultural specialist.
- With the assistance of the environmental construction liaison and project cultural specialist, evaluate whether work in the area can continue or if temporary suspension of work is necessary to allow for proper treatment of the find.
- If required, assist the project cultural specialist with implementing appropriate treatment measures.
- Prohibit construction personnel from accessing the area until the project cultural specialist provides written instructions stating that work may resume.

7-103D Community Effects and Environmental Justice

Mitigating project effects on communities during construction may require actions in the community. These requirements may be included as part of the contract, including change orders, but they can also be listed as an item on the ECR. Refer to Section 8-2, "Equal Employment Opportunity," of this manual regarding Title VI of the Civil Rights Act of 1964.

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," which directs federal agencies to achieve environmental justice by identifying and addressing disproportionately high and adverse human health and environmental effects, including the interrelated social and economic effects of their programs, policies, and activities on minority and low-income populations in the United States.

7-103E Native American Concerns

In accordance with Director's Policy DP-19, "Working with Native American Communities," Caltrans acts in a knowledgeable, sensitive, and respectful manner

when engaging in activities that impact Native American communities. This policy also applies to contractors, consultants, and subcontractors. Section 14-4, "Native American Concerns," of the *Standard Specifications* is reserved for projects where Native American concerns have been identified, including work during specific days of the year that conflict with Native American ceremonies.

7-103E (1) Resident Engineer Responsibilities

The resident engineer uses all available assistance and expertise to address Native American concerns. This assistance may come from the environmental construction liaison or project cultural specialist. When applicable, follow the requirements in Section 14-4, "Native American Concerns," of the *Standard Specifications*.

Before work begins, the resident engineer must do the following:

- Meet with the environmental construction liaison, project cultural specialist, and appropriate environmental and engineering experts in the district when the contract specifies that there are Native American concerns, to share a full understanding of the contract requirements for addressing these concerns.
- If necessary, meet with members of Native American tribal governments to discuss Native American concerns. The project cultural specialist will assist in discussions and any required negotiations.
- Coordinate a meeting with the contractor, environmental construction liaison, and project cultural specialist to discuss all required measures to address Native American concerns.

During the course of work, the resident engineer must do the following:

- Inspect the contractor's operations for compliance with Section 14-4, "Native American Concerns," of the *Standard Specifications*.
- Make sure the contractor notifies and obtains the resident engineer's approval in advance for each new activity, as required. Make sure the contractor's schedule is forwarded to the environmental construction liaison and project cultural specialist, so they can coordinate any necessary provisions for addressing Native American concerns.
- Immediately notify the environmental construction liaison and project cultural specialist of non-adherence to the provisions addressing Native American concerns. The project cultural specialist will determine what action is necessary and will advise the resident engineer.

Before accepting the contract, the resident engineer must conduct a final walk-through of the project area with the environmental construction liaison or project cultural specialist, if applicable, to verify that all requirements addressing Native American concerns are complete.

7-103F Aesthetics

Aesthetics are considered during the planning, design, and construction of transportation projects to adequately address a transportation project's visual effects and to help integrate the facility into the surrounding context. Aesthetic features included in the construction documents are the result of commitments included in the environmental document or made to the community to address scenic, aesthetic, historic, cultural, environmental, and recreational values. The integration and construction of these aesthetic features on a project is critical to fulfilling the aesthetic commitments.

Proposed changes to the plans and specifications that affect the aesthetic features must be coordinated with and approved by the district landscape architect to make sure that Caltrans' aesthetic commitments are accomplished as intended.

7-103G Paleontological Resources

Paleontological resources are evidence of ancient life, not including human life, preserved as fossils in sediments and rock. In geologically diverse California, vertebrate, invertebrate, and plant fossils are found throughout the state. Paleontological resources have unique scientific value and, as a result, must be protected. Refer to Chapter 8, "Paleontology," of the *Standard Environmental Reference* Vol. 1, for information about applicable laws.

Paleontological resources may be encountered when a project includes invasive activities such as excavation or drilling of previously undisturbed sediments and rock. If paleontological resources are anticipated, the contract should include special provisions in accordance with Section 14-7, "Paleontological Resources," of the *Standard Specifications*. Protection of paleontological resources usually includes preservation of scientific information through monitoring, and fossil and data recovery. This work is normally performed by Caltrans or a consultant working directly for Caltrans, not the construction contractor.

In these cases, the resident engineer, along with the Caltrans environmental coordinator or generalist, must make sure there is coordination and cooperation between the construction contractor and the paleontological consultant. This is accomplished by including the paleontological consultant in preconstruction meetings, providing the paleontological consultant with an accurate and updated schedule of subsurface disturbing activities, and when required, making sure that the contractor's staff attends paleontological awareness training presented by the Caltrans paleontologist or the paleontological consultant.

In most cases, paleontological monitoring and fossil and data recovery can be performed with minimal effect on construction activities. However, when large specimens or fossil-rich areas are encountered, excavation activities may need to be temporarily diverted while the paleontological team stabilizes and removes them. In these cases, the resident engineer must facilitate coordination and cooperation between the paleontological monitoring team and the construction contractor.

If unanticipated paleontological resources are encountered, the construction contractor is directed to stop work within a 60-foot radius of the discovery and contact the resident engineer. According to Caltrans Standard Environmental Reference, Volume 1, Chapter 8, "Paleontology," if significant paleontological resources are not discovered during the initial 50 percent of any ground disturbing activities, paleo monitoring will be reduced to an on-call basis. The resident engineer must contact the environmental construction liaison who will enlist the assistance of the appropriate qualified Caltrans or consultant technical staff to investigate the discovery.

Work in the area of discovery cannot resume until the find has been properly evaluated and recovery activities completed as necessary. The remaining construction activities must be evaluated in context of the discovery and monitoring may be required. If monitoring is required, it may be accomplished through either a separate contract (preferred) or a subcontract through the prime construction contractor. In either case, assistance from the environmental construction liaison or district Environmental Unit will be necessary.

After excavation is complete, a paleontological mitigation report will be prepared by the paleontological consultant. After receiving the report, the resident engineer must coordinate with the environmental construction liaison or district Environmental Unit to update the ECR. If fossils are recovered from the project, they will be properly curated. The resident engineer must coordinate with the environmental construction liaison or district Environmental Unit to verify that funding is made available to pay for reporting and curation activities performed by the consultant.

7-103H Disposal, Staging, and Borrow Sites

Caltrans construction projects often require contractors to make use of either state-owned or private off-site lands and facilities for the disposal of excess materials; the acquisition of necessary borrow materials; and to stage equipment, store supplies, and house their offices. Contract documents generally require the contractor to show that construction activities on these sites comply with all local, state, and federal environmental and permitted use regulations. However, in some geographic locations there have been issues regarding final compliance responsibility. To resolve these issues and to foster better cooperation with regulatory agencies, the option of designating disposal, staging, and borrow (DSB) sites has been facilitated.

Construction projects that cannot accommodate the needs of the project within the right-of-way may have designated sites outside the project limits. However, even when such sites are made available, the contractor will continue to have the flexibility of using alternative sites. Alternative sites selected by the contractor require the contractor to prepare a submittal to the resident engineer for approval. Requirements for this submittal are outlined in Section 7-103H (1), "Caltrans- and Contractor-Designated Disposal, Staging, and Borrow Sites," of this manual and in the Designated Disposal, Staging, and Borrow PDF on the Design Memoranda webpage at:

<https://dot.ca.gov/programs/design/design-memoranda>

The need for identifying and obtaining environmental approvals for a designated DSB site will generally have been made by the project engineer on a case-by-case basis, considering historical and geographical issues and practices, project design requirements, environmental concerns, economic factors, and other aspects specific to projects and their locale. During project development, the project engineer should have considered and identified sites readily available for use by the contractor. These sites would have included, but are not limited to, commercial dumpsites, recycling plants, private property, and other local sites. If it was deemed necessary that one or more DSB sites needed to be designated, the project engineer would have proposed sites evaluated during the environmental review process and, as necessary, included them in the environmental compliance documentation.

The project engineer will confirm site availability with the contractor and right-of-way agreements would have been obtained for private sites selected as designated DSB sites. Any necessary permits would have been included among those obtained during the plans, specifications, and estimate development. To make sure prospective bidders or contractors receive information or documents regarding the availability of designated sites, Caltrans sends a materials information handout.

Minimum items expected include both of the following:

- - DSB site submittal for a site designated by Caltrans
 - A summary of the minimum items expected in the DSB site submittal for a contractor to get approval for the use of an alternate site

File the DSB site submittal and support documents in the project files.

7-103H (1) Caltrans- and Contractor-Designated Disposal, Staging, and Borrow Sites

For Caltrans-designated sites Caltrans will:

1. Provide a general site plan, including site limits and access roads.
2. Obtain temporary property owner agreements as necessary to “reserve” property.
3. Prepare California Environmental Quality Act or National Environmental Policy Act documentation, as needed, in consultation with the Environmental Unit.
4. Verify the existence of or obtain the necessary PLACs to satisfy regulatory agencies and assure site availability in consultation with the Environmental Unit.
5. Review and accept the contractor’s submittal.

For Caltrans-designated sites the contractor will:

1. Prepare a final grading plan in conformance with the *Standard Specifications*.
2. Provide a release of liability.

3. Provide final property owner agreements. Refer to Section 3-603, “Local Materials,” of this manual for guidance.
4. Submit a written plan for water pollution prevention in conformance with the *Standard Specifications*.

For alternative sites selected by the contractor:

- Caltrans will review and accept the contractor’s submittal.
- The contractor will:
 - For borrow sites, demonstrate that the site is either not subject to or is compliant with the Surface Mining and Reclamation Act (SMARA). If the borrow site is not subject to SMARA, confer with the environmental construction liaison or district Environmental Unit to confirm that the borrow site is not a potential contamination source.
 - For all DSB sites:
 - Provide a site plan, including site limits and access roads.
 - Obtain and provide property owner agreements. Refer to Section 3-603, “Local Materials,” of this manual for guidance.
 - Provide a release of liability.
 - Provide environmental documentation prepared by appropriately qualified environmental specialists.
 - Obtain or update all necessary PLACs.
 - Determine the final grading plan in conformance with the Standard Specifications.
 - Submit a written plan for water pollution prevention in conformance with the Standard Specifications.

7-103H (2) Surface Mining and Reclamation Act

Section 10295.5 of the Public Contract Code requires that Caltrans buy or accept sand, gravel, aggregates, or other mined materials, including imported borrow, from mining operations that are compliant with or not subject to SMARA. The resident engineer can use the list of mining operations in compliance with SMARA, also called the “AB 3098 List,” to verify which mining operations are compliant. The current list may be obtained from the Department of Conservation website at:

<https://www.conservation.ca.gov/smgb/Pages/Lead-Agency-Resources.aspx>

Mining operations that meet the following criteria are not subject to SMARA and are not required to be on the AB 3098 List:

- A total amount of mined materials less than 1,000 cubic yards in any one location of 1 acre or less.
- Onsite excavations and onsite earth-moving activities on a Caltrans construction project that are an integral and necessary part of the project.
- Materials mined from federal lands, except for lands that the Bureau of Land Management and Forest Service regulate.
- Materials mined from tribal lands, when mined by a tribal mining operator.
- Materials mined from outside of California.

If the contractor proposes to use mined material from a mining operation not on the AB 3098 List, have the contractor provide proof that the operation is not subject to SMARA and confirm the mining operation's status with the Department of Conservation. Contact the Division of Mine Reclamation, Reporting Unit, at: DMR-Reporting@conservation.ca.gov or call (916) 323-9198.

SMARA allows the State Mining and Geology Board to exempt certain mining operations or construction projects. Caltrans can accept material from exempted sources if the contractor provides proof of board-granted exemption.

If the proposed site is not on the AB 3098 List, and the contractor cannot prove the site is not subject to SMARA or that an exemption has been granted, the resident engineer must not accept the contractor's submittal. Refer challenges to the acceptance of materials to the Division of Construction field coordinator.

7-103I Other Contractor Uses of the State Right-of-Way

The contractor's use of Caltrans-owned parcels that are outside of the project limits will be contingent upon approval by the resident engineer, based on:

- The DSB site submittal.
- Execution of a fair market rental agreement with Caltrans.
- Execution of an encroachment permit by the district permit engineer.

The resident engineer should consult with the project engineer and environmental construction liaison or district Environmental Unit before approving the DSB site submittal. For more information, refer to Section 3-516, "Areas for Use," of this manual.

7-104 Air, Water, and Noise Pollution Control

This section contains guidelines for administering the contract's air, water, and noise requirements.

7-104A Air Pollution Control

7-104A (1) Air Quality

Section 7-1.02C, "Emissions Reduction," of the *Standard Specifications* states that the contractor, by executing the contract, is aware of California Air Resources Board (ARB) regulations and will comply with those regulations before starting work and throughout the duration of the contract.

Section 14-9.02, "Air Pollution Control," states that the contractor needs to comply with air-pollution-control rules, regulations, ordinances, and statutes that apply to work performed under the contract, including those provided in California Government Code § 11017 and Public Contract Code § 10231.

Section 2-1.11, "In-use Off-road Diesel-Fueled Vehicle List", of the *Standard Specifications*, requires the contractor to submit a copy of a valid Certificate of Reported Compliance 13 CCR § 2449, Title 13, California Code of Regulations, Section 2449, subdivision (n)) for each fleet listed on the Vehicle List form within 10 days of bid opening. The contractor should submit certificates of new or replacement of equipment, including their subcontractor. The resident engineer keeps the form and certificates for the contractor's fleet.

If the project is within or partly in an Assembly Bill 617 community, NSSP Section 5-1.33 and Section 7-1.02C will be included in the contract specifications. Section 5-1.33 requires the resident engineer to submit the equipment list to the district air quality supervisor or email Tier4@dot.ca.gov. The Department deducts a \$2000 penalty for each noncompliant engine for each day of operation.

The resident engineer does not need to verify that the contractor's equipment complies with ARB regulations. The local air pollution control district or air quality management district, commonly referred to as the "local air district," is responsible for enforcing air quality regulations. If complaints are brought to the resident engineer's attention, the resident engineer should direct the complainant to file the complaint with the local air district.

If the complaining party insists that Caltrans handle the situation, the resident engineer should forward the complaint to the local air quality control district, based on project location, and send the contractor a copy of the complaint filed.

A list of local air quality control districts, contacts, and addresses is available at:

<https://ww2.arb.ca.gov/air-pollution-control-districts>

All Caltrans projects must comply with the Clean Air Act. Permits are issued by local air quality management districts and require that the project create no smoke, offensive odors, or visible dust. Contractors must take appropriate measures to make sure their equipment is properly maintained and to apply water and other dust palliatives as frequently as necessary. Violations can result in fines and sanctions against the contractor and Caltrans.

7-104A (2) Dust Control

Under the terms of the project contract, the contractor must control dust. The contractor must maintain such control whether payment is included in the prices paid for the various items of work involved or whether payment is made separately. Refer to Sections 4-10, "General Construction," and 4-18, "Dust Palliatives," of this manual for additional guidance related to dust control.

During the preliminary inspection, before work begins, take the following steps:

- Determine whether a planned method to control dust is included in the contractor's accepted plan for water pollution prevention or if a Dust Control Plan was submitted when required by the local air district.
- Whenever it is proposed to handle temporary traffic changes on an unpaved roadway, anticipate the necessity for dust control. Notify and require corrective action whenever the contractor is not adequately controlling dust. In cases of neglect, work may be suspended under the resident engineer's authority, pursuant to Section 8-1.06, "Suspensions," of the *Standard Specifications*.

7-104B Water Pollution Control

To assure control of pollutants in discharges of stormwater runoff, Caltrans construction projects may be subject to federal law under the Clean Water Act and state law under the California Water Code. All Caltrans construction projects are subject to the Caltrans National Pollutant Discharge Elimination System (NPDES) permit issued by the State Water Resources Control Board (SWRCB) and one of the following NPDES permit requirements: the statewide Construction General Permit (CGP) issued by the SWRCB, the Lake Tahoe CGP issued by the Lahontan Regional Water Quality Control Board (RWQCB), or the federal CGP issued by the EPA. The project specifications should identify which permits apply to the project.

For each construction project, the contractor must prepare either a stormwater pollution prevention plan (SWPPP) or a water pollution control program (WPCP) in accordance with Section 13, "Water Pollution Control," of the *Standard Specifications*, Caltrans' stormwater quality handbooks, and the contract's special provisions. These documents describe the measures the contractor must implement to prevent construction activities from polluting the waters of the United States.

Preventive measures are required to prevent construction activities from polluting the waters of the United States. The resident engineer is responsible for reviewing and authorizing the preventive measures proposed for the project, while the contractor is responsible for implementing, maintaining, and ensuring the effectiveness of those preventive measures in the field.

The resident engineer's authorization does not transfer responsibility for performance or compliance to Caltrans. The contractor remains fully responsible for proper installation, operation, maintenance, and correction of deficiencies in the preventive measures throughout the duration of construction.

Successfully preserving water resources, such as streams, waterways, and other bodies of water helps protect water-dependent species from pollution and is critical to the project's success.

Water resources must be protected from chemical pollutants, including petroleum products, paint residues, curing compounds, and sediment in stormwater runoff. Caltrans has developed the Construction Compliance Evaluation Plan to review the contractor's water pollution control program and to evaluate construction projects for overall adequacy in implementing stormwater pollution prevention measures. The plan provides a process for evaluating the potential threat to water quality from predicted storm events and separates water quality compliance from stormwater contract administration.

For projects covered by the statewide or Lake Tahoe CGP, permit registration documents and other permit-related compliance documents must be filed electronically with the SWRCB through the Storm Water Multiple Application and Report Tracking System (SMARTS) at:

<https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml>

SMARTS is used for requests to start construction notices of intention (NOI), requests for termination of a project, notices of termination (NOT), and interim reporting, such as change of information.

To set up a SMARTS profile, the CGP and SMARTS require established personnel, such as a:

- Legally responsible person (LRP) (Caltrans staff).
- Approved signatory (Caltrans staff).
- Data entry person (Caltrans staff or contractor's staff).

For Caltrans, the LRP is the district director, although as many as three backups may be designated to perform the same duties, with responsibility for permit compliance and designated as the approved signatory for the project.

Assignment of an approved signatory is accomplished by the linking process in SMARTS. For Caltrans staff, the process is detailed in the *SMARTS User's Manual* found on the Division of Construction Stormwater Training Presentations intranet page.

A project can have more than one approved signatory. The resident engineer is responsible for the project data submitted in SMARTS and must be designated an approved signatory. The LRP may link other approved signatories to the project as necessary to support project delivery.

Documentation for SMARTS submittals comes from various members of a project development team; however, the approved signatory is responsible for submitting permit registration documents, the NOI, discharge reports, annual reports, ad hoc reporting, and NOT certification.

A data entry person may be any Caltrans staff member or contractor's personnel designated by the LRP or approved signatory to input information into SMARTS.

The NOI provides the RWQCBs with details about the project and is a request for coverage under the CGP. The process involves filing the project SWPPP and project-related information. Data entry person obtains information necessary to complete the NOI from the “Storm Water Data Report Attachment for SMARTS Input” document.

Reporting in SMARTS is accomplished by entering data into specific tabs or by uploading files to the program. For example, the NOI is created by entering data in the fields under the NOI tab, whereas the project SWPPP and its amendments are uploaded into the system. There are also screens for discharge reporting, annual reports, and other permit-related project reports. The approved Caltrans signatory may certify submittals in SMARTS and, when applicable, will need to provide the qualified SWPPP developer’s (QSD) certification. Hard copies of these documents must be maintained in the project files.

Section II.D, “Obtaining and Terminating Permit Coverage” of the CGP fact sheet, details when a project is complete and when a NOT is appropriate. After reviewing the fact sheet, the resident engineer should consult with the project engineer to verify that the required conditions have been satisfied before proceeding with termination of permit. For additional guidance, refer to the National Pollutant Discharge Elimination System (NPDES) 2009 Construction Stormwater General Permit webpage at:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

7-104B (1) District Construction Stormwater Coordinator Responsibilities

District Construction must have at least one designated district construction stormwater coordinator who will carry out necessary administrative functions to prevent water pollution. The stormwater coordinator reviews the contractor’s SWPPP or WPCP, visits projects, and acts as technical advisor to the resident engineer. The coordinator evaluates projects for potential threats to water quality and the effectiveness of the stormwater contract administration. The stormwater coordinator works with other functional areas in the district, assists resident engineers to verify compliance, and assures that field construction personnel are appropriately trained.

7-104B (2) Resident Engineer Responsibilities

The resident engineer uses all available assistance and expertise in preventing water pollution. This assistance may come from the construction stormwater coordinator, environmental construction liaison, or other functional areas in the district, such as landscape architecture, environmental analysis, and hydraulics.

Before work begins, the resident engineer must do the following:

- Designate appropriate staff as stormwater inspectors to assist in preventing stormwater pollution.

- Review the construction contract and the resident engineer's file for instructions and commitments.
- Confirm that permit registration documents are submitted to SMARTS.
- Verify that all proper forms have been filed with the RWQCB.
- Meet with the appropriate environmental and engineering experts in the district to assure a full understanding of the contract requirements for water pollution prevention.
- Conduct a preconstruction meeting with the contractor to discuss all required stormwater measures and requirements. Depending on the project's size and complexity, this preconstruction meeting may be used exclusively for discussing water pollution prevention or the topic may be included in a general preconstruction meeting.
- Provide the contractor with a copy of the district Design Unit's conceptual SWPPP for the project, if one has been prepared.
- Review and authorize the contractor's SWPPP or WPCP as required by the specifications. The stormwater coordinator may assist in the review. Note that before the resident engineer has authorized the plan, the specifications prohibit any job site activities. If a RWQCB requires review of the authorized SWPPP, job site activities are prohibited until the board reviews and comments on the authorized SWPPP.
- Before any job site activities begin, make sure the contractor deploys any stormwater measures called for in the SWPPP or WPCP.

During the course of work, the resident engineer must do the following:

- Maintain a copy of the authorized SWPPP or WPCP on the project site.
- Inspect the contractor's operations for compliance with the specifications and the authorized SWPPP or WPCP, including deployment of best management practice measures.

The 2022 California Construction General Permit (CGP) defines a qualifying precipitation event (QPE) as a forecast with ≥ 50 percent chance of ≥ 0.5 inches of rain in 24 hours, triggering strict actions: Risk Level 2 and 3 sites must do pre-storm inspections within 72 hours and monitor/sample all discharges during the event, comparing to pH (6.5-8.5) and turbidity (250 NTU) limits, requiring updated Stormwater Pollution Prevention Plans (SWPPPs) for major storms.

- Make sure the contractor:
 - Monitors for key triggers and actions according to 2022 CGP including:
 - Monitoring weather forecasts for QPE: A forecast with a 50 percent or hour period.
 - Completing required pre-storm inspections within 72 hours before a forecasted QPE for Risk Level 2 and 3 sites to secure BMPs.

- Completing required monitoring for all discharges during the QPE, such as testing for pH and nephelometric turbidity units.
- Completing SWPPP updates that must account for major storm potential, such as hurricanes and floods, with resilient controls.
- o Adheres to the inspection schedule set forth in the SWPPP or WPCP and provides written reports of these inspections.
- o Prepares and submits project annual reports.
- o Deploys stormwater and nonstormwater best management practice measures whenever associated construction activities are taking place.
- o Maintains best management practices.
- o Has the necessary materials on hand to deploy in the event of a storm.
- o Uses appropriate measures to stabilize slopes at the times specified. In accordance with the specifications, verify that the contractor submits an implementation schedule for soil stabilization and sediment control for disturbed soil areas.
- o Complies with any provisions that restrict the size of the contractor's disturbed soil area.
- o Notifies the resident engineer and obtains the resident engineer's authorization in advance for each first-time nonstormwater discharge, excluding exempted discharges.
- o Conducts soil stabilizing activities as specified, by monitoring the contractor's active and nonnative disturbed soil areas.
- o Adheres to the water pollution protection plan, avoiding water quality effects from removal of bird nests on bridges and other structures over or near water during pre-nesting seasons.
- Direct the contractor to correct any deficiencies in compliance efforts identified in the contractor's or district construction stormwater coordinator's project evaluation reports.
- If any pollutants are discharged into the waters of the United States, notify the district construction stormwater coordinator immediately. Review the NPDES permit and Statewide Stormwater Management Plan to determine the appropriate reporting timeframe and provide a draft report of noncompliance to the district NPDES stormwater coordinator. Unless otherwise indicated in the district or regional work plans, the district NPDES stormwater coordinator will then forward the report to the RWQCB. For SWPPP projects, require the contractor to prepare Form DOT CEM-2061, "Notice of Discharge Report," or Form DOT CEM-2061T "Notice of Discharge Report—Lake Tahoe Hydrologic Unit Stormwater Sample Field Test Report/Receiving Water Monitoring Report," if applicable.

- Report any illegal discharges or illicit connections to the district construction stormwater coordinator. Require the contractor to prepare Form DOT CEM-2061, “Notice of Discharge Report,” or Form DOT CEM-2061T “Notice of Discharge Report—Lake Tahoe Hydrologic Unit Stormwater Sample Field Test Report/Receiving Water Monitoring Report,” if applicable and as specified in the SWPPP.
- If noncompliance occurs, initiate contractual enforcement procedures that are proportionate to the nature and severity of the noncompliance. Contract enforcement may include the following:
 - Withholding funds from contract payment as specified in the contract.
 - Suspending any work that would exacerbate the noncompliance interfere with or prevent the contractor’s efforts to correct the deficiency. For example, earthwork operations may be suspended until the contractor controls sediment or stabilizes soil as specified. Other work performed by a crew might be suspended if that crew is needed to install best management practices measures.
 - Meet with personnel from regulatory agencies, such as the Environmental Protection Agency, RWQCB, or SWRCB to discuss stormwater issues and measures.
 - Verify that the contractor submits an annual certification of compliance, Form DOT CEM 2070, “SWPPP/WPCP Annual Certification of Compliance,” as specified. Sign, date, and file this certification in the project files.
 - At 90 percent construction completion, a field review and completion of Form MTCE-0023, “Construction to Maintenance 90 percent BMP Completion Walkthrough,” will be conducted with the district maintenance stormwater coordinator or their designee as the lead and form signatory. Following agreement on the construction status, the maintenance superintendent or supervisor who assumes responsibility for the maintenance of stormwater elements will join as part of the inspection attendees, assisting the district maintenance stormwater coordinator with the stormwater element evaluation.

Before accepting the contract, the resident engineer must do the following:

- Determine that all slopes are stabilized, as required by the contract.
- Require the contractor to remove temporary BMP measures that are not a part of permanent erosion control unless the BMP measures are part of permanent measures or requested to be left in place by the district Maintenance Unit.
- Conduct a final walk-through of the project area with the maintenance superintendent or region manager. During the final inspection, update Form MTCE-0023 to reflect changes and corrective actions implemented since the 90 percent construction completion field review with maintenance.

7-104B (3) Stormwater Inspector Responsibilities

The resident engineer may assign an assistant resident engineer as the stormwater inspector. The stormwater inspector will assist the resident engineer in carrying out the work described above, as determined by the resident engineer. Typically, the stormwater inspector will do the following:

- Review and become familiar with the *Standard Specifications* and project special provisions pertaining to water pollution control.
- Review and become familiar with the authorized WPCP or SWPPP.
- Conduct site inspections. Verify that BMP measures are properly installed and meet the requirements in the Caltrans stormwater quality handbooks and the contract specifications.
- Look for areas that may require BMP measures that are not deployed or not addressed in the WPCP or SWPPP. Observe and identify any discharges, illicit connections, and illegal discharges. Take photographs of all areas.
- Prepare daily reports on stormwater pollution prevention. Record all stormwater management activities or inactivity, and conversations with the contractor regarding stormwater pollution prevention.
- Document site visits from regulatory agencies, such as the SWRCB, the RWQCB, or the EPA, and any inspections the agencies perform.
- Monitor the weather reports of the National Weather Service for rainfall predictions. The 2022 CGP defines a QPE as a forecast with ≥ 50 percent chance of ≥ 0.5 inches of rain in 24 hours, triggering strict actions: Risk Level 2 and 3 sites must do pre-storm inspections within 72 hours and monitor and sample all discharges during the event.
- Inform the resident engineer immediately of any problems with BMP measures during the implementation of the WPCP or SWPPP and any observed discharges.
- Identify changes in construction that may require amendments to the WPCP or SWPPP and notify the resident engineer of the findings.
- For sites covered by permits, verify site access and the safety of representatives of regulatory agencies and local agencies when they are on site for any reason.

7-104B (4) Contractor Inspections

The special provisions for water pollution control require the contractor to inspect the construction site at least once a week for the proper implementation, performance, and maintenance of BMP measures identified in the WPCP or SWPPP. The contractor must follow the site inspection procedure specified in the SWPPP or WPCP, and the *Construction Site Monitoring Program Guidance Manual*. The water pollution control manager, or trained personnel under the supervision of the water pollution control manager, must conduct the site inspections using Form DOT CEM-2030SW, "Stormwater Site Inspection Report."

The contractor must notify the resident engineer whenever the SWPPP, WPCP, or BMP measures may not reduce or have not reduced the discharge of sediment or other pollutants into a waterway or outside of the project limits. The contractor must follow the verbal notification with a written report using Form DOT CEM-2061SW, “Notice of Discharge Report,” or Form DOT CEM-2061T, “Notice of Discharge Report—Lake Tahoe Hydrologic Unit Stormwater Sample Field Test Report/Receiving Water Monitoring Report” if applicable. The contractor’s report must conform to the provisions of Section 900.3, “Discharge Reporting,” or Section 50.2, “Discharge Reporting,” of the *SWPPP/WPCP Preparation Manual*.

If the situation constitutes noncompliance with the permit, the resident engineer must conduct a verification inspection, and if a noncompliance condition exists, report it to the district Construction stormwater coordinator and district NPDES stormwater coordinator. Unless otherwise indicated in the district or regional work plans, the district NPDES stormwater coordinator will report it to the appropriate RWQCB. The resident engineer must require the contractor to employ additional BMP measures. The onsite WPCP or the SWPPP must be amended to show those additional BMP measures and any other pertinent changes related to how stormwater is managed onsite and current project site conditions, such as new stockpile.

7-104B (5) Amendment Review and Processing

During construction, conditions may occur that affect the ability of the contractor to implement the WPCP or SWPPP as initially authorized or the ability of the authorized WPCP or SWPPP to meet the objectives for water pollution control. A change in construction operations or site conditions may result in the discharge of significant quantities of pollutants to surface waters, municipal storm drain systems, or outside of the project limits. The project biologist must be notified of such releases, asked to determine the effect on protected species and their habitats, and asked to determine the need for required notices to regulatory agencies. These changes can include construction staging or schedule changes, staging area modifications, unanticipated offsite drainage effects, and failures of BMPs. The contractor must amend the WPCP or SWPPP if either plan’s effectiveness is diminished by any such changed condition.

Upon the resident engineer’s authorization, the contractor must incorporate all WPCP or SWPPP amendments into the onsite documents. The contractor must prepare WPCP or SWPPP amendments in the format prescribed in the stormwater quality handbooks.

The resident engineer must review the contractor’s proposed revised WPCP or SWPPP amendments for completeness and conformance with the revised conditions and give written authorization to the contractor if the amendments are acceptable. The authorized revised SWPPP must be uploaded into SMARTS.

7-104B (6) Project Files

The resident engineer must keep copies of all documents related to stormwater pollution prevention in Category 20, “Water Pollution Control Plan or Stormwater Pollution Prevention Plan,” of the project files. Retain the following documents:

- SWPPP or WPCP and all amendments
- Daily reports and photographs related to the prevention of stormwater pollution
- The weekly contractor-prepared Form DOT CEM-2030, “Stormwater Site Inspection Report”
- Forms DOT CEM-2061, “Notice of Discharge Report”
- All correspondence related to stormwater pollution prevention, including notices of noncompliance
- Inspection reports from the district construction stormwater coordinators
- Inspection reports from the resident engineer and assistant resident engineer
- Copies of the certifications required by the specifications
- The printout from SMARTS after filing the NOT

7-104B (7) Contractor Files

The specifications require the contractor to keep copies of the SWPPP or WPCP and all authorized amendments at the project site.

7-104C Noise Control

Construction and traffic noise may be a sensitive issue in neighborhoods and communities next to state highways. Funding has been provided for highway noise reduction through the construction of sound walls and other noise attenuation. Special restrictions may be employed on night work in sensitive areas, such as residential neighborhoods, schools, and hospitals near the project site. Section 14-8, “Noise and Vibration,” of the *Standard Specifications*, provides the contractor’s requirements for noise control.

7-105 Permits, Licenses, Agreements, and Certifications

This section covers permits, licenses, agreements, and certifications (PLACs) that may be issued by regulatory agencies or may be part of the contract supplemental project information as described in the special provisions. For assistance regarding PLAC requirements, such as contractor submittals on reporting requirements, protocols, or information training, contact the environmental construction liaison or project biologist.

7-105A Special Use Permits and Other Federal Permits

The Forest Service, Bureau of Land Management, and other federal agencies issue permits to Caltrans to construct and operate highway facilities across lands under their jurisdictions. There can be special use permits, temporary use permits, U.S.

Department of Transportation easements, federal land transfers, and, in the case of already existing roadways, there may be prescriptive rights-of-way. In addition, an Archaeological Resources Protection Act permit may be required.

7-105B California Fish and Game Code Sections 1602 and 5650

Section 1602 of the California Fish and Game Code requires that public agencies such as Caltrans reach an agreement with the California Department of Fish and Wildlife if the proposed work affects a waterway. The agreement required by this section of the code is the “Lake or Streambed Alteration Agreement,” also known as the “1602 Agreement.” The 1602 Agreement specifically prohibits polluting the waters of the state and may specifically prohibit certain activities at certain times of the year, such as working in the river during spawning season. It may also require the contractor to undertake specific measures, such as installing fish ladders. Violations of the agreement are punishable by fine, imprisonment, or both.

Section 5650 of the Fish and Game Code prohibits placing specified materials in the waters of the state. Violations are punishable by fine, imprisonment, or both.

Examples of violations include the following:

- Causing dirt and sediment to enter the waters of the state
- Using creosoted timbers in the waters of the state
- Placing petroleum products, such as asphalt or diesel, into, or where they can get into, the waters of the state

Placing asphalt concrete grindings, chunks, and pieces in areas where they can pass into the waters of the state is also a violation of Section 5650 of the Fish and Game Code. A memorandum of understanding exists between the California Department of Fish and Wildlife and Caltrans regarding the placement of asphalt concrete pavement grindings as shoulder backing and the placement of asphalt concrete pieces and chunks in embankments. For a discussion of reusing asphalt concrete as fill material and shoulder backing and a summary of the memorandum of understanding, refer to Index 110.11, “Conservation of Materials and Energy,” of the *Highway Design Manual*. If a question exists as to whether asphalt concrete grindings or chunks may get into the waters of the state, consult with the environmental construction liaison or project biologist.

7-105C List of Potential Permits, Licenses, Agreements, and Certifications

Most required permits and plan approvals should be obtained during the project’s design phase. However, the following tables may be used as a reminder of the types of permits and plan approvals that may be required when making changes to the original plans. Any changes to plan approvals or PLACs must be coordinated with the environmental construction liaison or Environmental Unit.

Table 7-1.1., “State and Local Agency Permits, Licenses, Agreements, and Certifications,” lists when permits or approval of contract plans may be required from state or local governmental agencies. The first column lists the activity or a resource affected by construction activity. The second column lists the agency or agencies

that may have jurisdiction in the area shown in the first column. The third column indicates the type of permit or plan approval that may be required by the agency or agencies.

Table 7-1.2., “Federal Agency Permits, Licenses, Agreements, and Certifications,” lists federal environmental statutes and regulations. The first column lists resources or activities. The second column shows the federal agency having jurisdiction in the area. The third column lists the statute or regulation that applies to the resource or activity.

Table 7-1.1. State and Local Agency Permits, Licenses, Agreements, and Certifications (1 of 3)

Resource or Activity	Agency	Permit or Approval
Commercial, industrial, and residential development	Local agency (county or city)	Land use, general plans, specific plan, conditional use, or subdivision
Conversion of timberland to nonforest uses through timber operations and immediate timberland production zone rezoning	California Department of Forestry and Fire Protection; California Department of Fish and Wildlife	Timberland Conversion Permit; California Endangered Species Act (consultation)
Power transmission lines, pipelines, and railroad crossings	California Public Utilities Commission	Review of plans and approval
Solid waste disposal	Department of Resources Recycling and Recovery (CalRecycle)	Disposal requirements
Sewage disposal	County health department	Disposal requirements
Waste discharge	State Water Resources Control Board; regional water quality control boards	Waste discharge requirements
Re-use of soil containing regulated concentrations of aerially deposited lead	Department of Toxic Substances Control (DTSC)	Soil Management Agreement for Aerially Deposited Lead-Contaminated Soils (ADL Agreement)
Storing, treating, or disposing of hazardous waste	Department of Toxic Substances Control	Caltrans-generated hazardous waste must be sent to a DTSC permitted hazardous waste facility in California
Right-of-way across state parkland	California Department of Parks and Recreation	Right-of-way permit, license, easement, joint agreement, or lease
Encroachment on or across a local street or highway	Local agency (county or city)	Encroachment permit
Encroachment on 100-year floodplain, intermittent streams, and desert washes	California Department of Fish and Wildlife	Lake and Streambed Alteration Agreement (1602 Agreement); California Endangered Species Act (consultation)

Table 7-1.1. State and Local Agency Permits, Licenses, Agreements, and Certifications (2 of 3)

Resource or Activity	Agency	Permit or Approval
Encroachment on or across cove, bay, or inlet	California Department of Parks and Recreation, Division of Boating and Waterways	Review of plans
Air quality	Air Resources Board or local air pollution control district	Authority to construct, and permit to operate for activities emitting stationary source pollutants into the atmosphere
Fish and wildlife habitat	California Department of Fish and Wildlife	Lake and Streambed Alteration Agreement for activities in lakes, streams, and channels and crossings; California Endangered Species Act
Coastal zone	California Coastal Commission; local government and local coastal program	Coastal Development Permit; California Coastal Act
Water	California State Lands Commission; State Water Resources Control Board, Division of Drinking Water; regional water quality control boards; Department of Public Health, the county environmental management department; or local health office	Land-use lease, such as for encroachments, crossings on tidelands, or submerged lands; National Pollutant Discharge Elimination System Permit for stormwater discharges to surface water; waste discharge requirements for nonstorm discharges to surface water or groundwater to the waters of the state; Permit to Operate a Public Water System
Dredging	California Department of Fish and Wildlife; State Lands Commission	Standard or special suction dredging permit; dredging permit

Table 7-1.1. State and Local Agency Permits, Licenses, Agreements, and Certifications (3 of 3)

Resource or Activity	Agency	Permit or Approval
Surface, such as material borrow sites	Local agency (county or city)	Surface Mining and Reclamation Act (SMARA) permit
Burning	Local air pollution control district; California Department of Forestry and Fire Protection; local fire control agency	Burn permit
Grading	Local agency (county or city)	Grading permit
Entering private property to gather information for temporary use	Caltrans district Right of Way Unit; Property owner right-of-entry approval	Property owner approval for temporary encroachment
Entering surface waters to gather information or for construction	Regional water quality control board	Water quality certification or waiver
All activities involving dams or reservoirs	California Department of Water Resources, Division of Safety of Dams	Approval of plans

Table 7-1.2. Federal Agency Permits, Licenses, Agreements, and Certifications (1 of 2)

Resource or Activity	Agency	Federal Statute, Regulation, or Executive Order
Water	Army Corps of Engineers; EPA; Bureau of Reclamation; U.S. Fish and Wildlife Service; National Oceanic and Atmospheric Administration	Clean Water Act (Section 404) Regulations concerning the National Pollutant Discharge Elimination System (40 CFR); Endangered Species Act
Air	EPA	Clean Air Act, Title 42, Sections 7401– 7414
Fish and Wildlife Habitat	Fish and Wildlife Service; Forest Service; National Park Service; National Oceanic and Atmospheric Administration	Endangered Species Act (Section 7) Biological Opinion for protection of species and habitats
Navigable Waters	Army Corps of Engineers; Coast Guard	Rivers and Harbor Act
Federal Lands	Forest Service; Bureau of Land Management; National Park Service; Army Corps of Engineers; Fish and Wildlife Service; National Oceanic and Atmospheric Administration	Clean Water Act (Section 404); Endangered Species Act (Section 7)
Cultural Resources	Advisory Council on Historic Preservation; State Office of Historic Preservation	National Historic Preservation Act (Section 106)
Paleontological Resources	Bureau of Indian Affairs; Bureau of Land Management, Forest Service; National Park Service; Army Corps of Engineers	Antiquities Act of 1906; Paleontological Resources Preservation Act of 2009; Federal Land Policy and Management Act of 1976
Coastal Zone	Army Corps of Engineers; Fish and Wildlife Service; National Oceanic and Atmospheric Administration	Biological Opinion for protection of species and habitats; Endangered Species Act; Coastal Zone Management Act of 1972

Table 7-1.2. Federal Agency Permits, Licenses, Agreements, and Certifications (2 of 2)

Resource or Activity	Agency	Federal Statute, Regulation, or Executive Order
Wild and Scenic Rivers	National Park Service; Forest Service, Bureau of Land Management	Code of Federal Regulations, Title 36, Section 297 (36 CFR 297); 43 CFR 8350
Wetlands	Army Corps of Engineers; EPA	Executive Order 11990 (Protection of Wetlands)
Floodplains	Federal Emergency Management Agency	Executive Order 11988 (Floodplains Management)
Dredging	Army Corps of Engineers; Fish and Wildlife Service; National Oceanic and Atmospheric Administration; Coast Guard	Clean Water Act (Section 404); Executive Order 11990; Endangered Species Act
Airport Airspace	Federal Aviation Administration	Federal Aviation Regulations, Part 77
Farmland	Natural Resources Conservation Service	Farmland Protection Policy Act

7-106 Hazardous Materials

Many hazardous materials are used in the construction of highway facilities. Employees must take appropriate precautions to minimize their exposure and use protective clothing and equipment. Contractors must submit safety data sheets (SDS) and obtain permission from the resident engineer before bringing any hazardous material onto the job site. For instructions, guidelines, and requirements for handling hazardous materials to assure employee safety, refer to Chapter 16, "Hazardous Materials Communication Program," of the *Caltrans Safety Manual* and Chapter 2, "Safety and Traffic," of this manual. For pesticide use guidelines, refer to Section 4-20, "Landscape," of this manual.

For SDS information, formerly known as material safety data sheets or MSDS, use the following free online database provided by MSDS Catalog Service LLC at:

<http://msdsdigital.com/msds-database>

The site contains key resources for safety data information and could be critical in the event that the contractor fails to provide an SDS or if additional information or clarification is required.

In using this information, keep in mind that the web address may change over time and it may be necessary to search for the more general website listing or call directly for assistance.

SDS information may also be obtained by entering the product name followed by SDS in a generic web search engine.

7-107 Hazardous Waste and Contamination

Hazardous waste may be generated as a result of construction activities. Examples of hazardous waste generating activities include the removal of stripes and pavement markings containing high levels of lead, removing lead-based paint from a bridge or other structure, and excavating soil containing aurally deposited lead. Removing hazardous waste and contamination that has been released into the environment may be part of the project activities. For example, the work may include excavating a defined area of contaminated soil at an old gas station location.

Special permits may be required when generating hazardous waste during construction. For example, demolishing a bridge, whether new, old, or temporary, requires an asbestos survey and a permit from the local air quality management district. For guidance regarding special permit and variance requirements and procedures, contact the environmental construction liaison or district Environmental Unit.

The district Construction Division must have a designated district hazardous waste coordinator who will carry out necessary administrative functions for hazardous waste and assist the resident engineer. The coordinator will assist the resident engineer by working with other functional areas in the district and headquarters to do the following:

- Identify hazardous waste training that might be needed.

- Make sure proper notifications are made if unidentified waste is found during construction.
- Provide field personnel with procedures and other information so they can safely deal with anticipated and unanticipated hazardous waste and contamination.

The construction contractor is responsible for making sure that hazardous waste and contamination is managed in compliance with all applicable laws and regulatory requirements. For information about the applicable laws and regulations, refer to Chapter 10, “Hazardous Materials, Hazardous Waste, and Contamination,” of the *Standard Environmental Reference*, Vol. 1. Additional information regarding hazardous waste management is available at the California Department of Toxic Substances Control (DTSC) webpage at:

<https://dtsc.ca.gov/>

For information regarding modes of hazardous waste transportation, refer to the DTSC website at:

<https://dtsc.ca.gov/modes-of-hazardous-waste-transportation/>

Section 14-11, “Hazardous Waste and Contamination,” of the *Standard Specifications* defines the contractor’s responsibilities, including requirements for proper storage and handling. Guidance for resident engineers managing hazardous waste during construction can be found in Chapter 10, “Hazardous Materials, Hazardous Waste, and Contamination,” of the *Standard Environmental Reference*, Vol. 1, located on Caltrans’ Environmental Analysis webpage at:

<https://dot.ca.gov/programs/environmental-analysis>

Caltrans staff guidance for implementing specific standard special provisions is available on the internal Onramp Environmental Analysis webpage.

7-107A Contractor-Generated Hazardous Waste Versus Caltrans-Generated Hazardous Waste

Section 14-11, “Hazardous Waste and Contamination,” of the *Standard Specifications* differentiates between contractor-generated waste and Caltrans-generated waste.

Contractor-generated hazardous wastes are hazardous materials that the contractor brings to the job site that have no further use and must be disposed of. Examples include extra or spent chemicals and waste generated as a result of contractor spills and leaks. Caltrans does not pay for disposal of contractor-generated hazardous wastes. If the contractor-generated hazardous waste is characterized as a federal waste, often referred to as a Resource Conservation and Recovery Act waste, the contractor must obtain an EPA Identification Number from DTSC and sign manifests for disposal. If the contractor-generated hazardous waste is not characterized as a federal waste, it will be characterized as a California hazardous waste—also known as a non-Resource and Recovery Act waste—and the contractor must obtain a state identification from DTSC and sign manifests for disposal.

Caltrans-generated hazardous wastes result from removal of materials that exist within the project limits such as stripes on the highway and soil containing aurally deposited lead. The *Standard Specifications* requires that Caltrans-generated hazardous waste is labeled consistently, and the resident engineer obtains the EPA temporary generator identification number and signs the hazardous waste manifests. Caltrans-generated hazardous waste is required to be disposed of within California at a facility that holds a DTSC permit to accept the waste. For more information regarding in-state disposal, refer to Chapter 18, "Environmental Contamination" of the *Project Development Procedures Manual*.

At the preconstruction meeting, have the contractor identify the permitted site for disposal of project hazardous waste. The resident engineer should follow up and confirm the disposal site's ability to dispose of the waste stream.

During the course of work, the resident engineer must do the following:

1. Confirm that the load is transported by a hauler with a valid hazardous waste hauler certification.
2. Review the manifest for accuracy before signing it as the generator. If errors are identified at the time, cross them out, correct them, and initial the correction. If errors are identified after transport, prepare a manifest correction letter and seek assistance from the district hazardous waste coordinator if needed. The mailing address on the manifest should be the district office, and the project location address should also be shown.
3. Retain a copy of the manifest and mail a copy within 30 days to DTSC Generator Manifests, P.O. Box 400, Sacramento, CA, 95812-0400.

7-107B Aerially Deposited Lead

Aerially deposited lead (ADL) from leaded gasoline emissions still exists in unpaved areas along California highways, and lead is ubiquitous in the environment. Sample and analysis of soil is normally performed during project development to determine whether the lead is present at concentrations requiring special management. Sample results are analyzed statistically. The sampling and analysis methods were developed and are required by the EPA and DTSC. For safety purposes, do not allow Caltrans staff and contractor staff that have not completed a lead safety training program provided by the contractor to work in areas where soil is being disturbed.

7-107B (1) Unregulated Material

Soil containing average lead concentrations equal to or less than 80 milligrams per kilogram mg/kg total lead and less than 5 milligrams per liter mg/l soluble lead is unregulated. If unregulated material is identified in the contract special provisions, a lead compliance plan is required for safety precautions, but special disposal of the soil is not required. The requirements for the lead compliance plan are found in Section 7-1.02K(6)(j)(ii), "Lead Compliance Plan," of the *Standard Specifications* and project-specific information may be found in Section 7-1.02K(6)(j)(iii), "Unregulated

Earth Material Containing Lead,” of the standard special provisions. The requirements specify whether soil must be retained on the job site or may be disposed of by the contractor. When Section 7-1.02K(6)(j)(iii) allows disposal, unregulated soil can be disposed of on residential or commercial property without DTSC regulatory restrictions. Contractors are always responsible for making sure there are no RWQCB restrictions associated with their chosen disposal location. If soil will be disposed of, verify that Form DOT CEM-1906, “Agreement Between a Contractor Working on State Facilities and a Real Property Owner for Disposing Construction-Related Material Suitable for Use on Residential Zoned Property” is properly completed and includes a copy of Section 7-1.02K(6)(j)(iii) of the special provisions that includes lead concentration data for the unregulated soil.

The special provisions may contain handling requirements, for example, to excavate by total depth, not in lifts. Requirements are included and must be followed because mismanagement of the soil could result in unintended misclassification of the soil and unnecessary hazardous waste generation. For more information about these special provisions, Caltrans staff can refer to the internal Onramp Environmental Analysis webpage.

7-107B (2) Regulated Material

Soil with average lead concentrations greater than 80 mg/kg total lead or equal to or greater than 5 mg/l soluble lead is ADL-contaminated soil and regulated by the DTSC under the 2016 Soil Management Agreement for Aerially Deposited Lead-Contaminated Soils between Caltrans and the DTSC ADL Agreement. If soil is regulated material and will be disturbed by project activities, the contract special provisions will require worker protection and soil management and disposal at a California Class I, II, or III disposal facility, or re-use under the requirements of the ADL Agreement. Project specific information on managing regulated material may be found in Section 14-11.05B, “Liner,” Section 14-11.08, “Regulated Material Containing Aerially Deposited Lead,” and Section 14-11.09, “Minimal Disturbance of Regulated Material Containing Aerially Deposited Lead,” of the standard special provisions.

The district ADL coordinators act as the liaison between Caltrans and the DTSC. The list of district ADL coordinators is available at:

<https://dot.ca.gov/programs/construction/environmental>

When Section 14-11.08 of the standard special provisions is included in the contract, the resident engineer must verify, before contract award, if possible, that the district ADL coordinator has submitted the project notification to DTSC and sent copies of it to:

- The applicable RWQCBs.
- The local air pollution control districts or air quality management districts.
- The applicable certified uniform program agencies.

If the required written notifications and submittals were not sent, the resident engineer must work with the district ADL coordinator to make sure the required written notifications are sent at least five days before excavation of regulated material begins.

The resident engineer must provide the lead compliance plan, excavation and transportation plan to the district ADL coordinator as soon as they are authorized so that they can also be sent to the DTSC.

There are several types of ADL-contaminated soil based on lead concentration. The types of regulated material on a specific project are identified in Section 14-11.08, "Regulated Material Containing Aerially Deposited Lead," of the standard special provisions, and shown on the plans. The soil types are determined by Caltrans and soil cannot be reclassified by the contractor. Soil types include:

- Type Com: A soil that can be reused without restriction on the job site as long as it is not placed in an area where public use is encouraged, such as a rest area. If Type Com is disposed of, it can only be placed on a commercial or industrial property or taken to a California Class III or Class II landfill. If Type Com soil will be disposed of, verify that Form DOT CEM-1904, "Agreement Between a Contractor Working on State Facilities and a Real Property Owner for Disposing Construction-Related Material on Commercial Zoned Property Owner's Property" is properly completed and includes a copy of the Information Handout that includes lead concentration data for the Type Com soil.
- Type R-1: A soil reused on a job site in areas that are at least 5 feet above the maximum historical elevation of the water table. It cannot be placed in areas where surface water collects or areas designed for water infiltration. It must be covered with at least 1 foot of Type Com or unregulated material with a pH greater than 5 or pavement. The contract plans will specify where the Type R-1 is to be placed, and the specific cover thickness allowed. The placement location cannot be changed without concurrence with the district ADL coordinator and notifying the DTSC.
- Type R-2: A soil reused on a job site in areas that are at least 5 feet above the maximum historical elevation of the water table. It cannot be placed in areas where surface water collects or areas designed for water infiltration. It must be covered with pavement. The contract plans will specify where the Type R-2 is to be placed. The placement location cannot be changed without concurrence with the district ADL coordinator and notifying the DTSC.
- Type Z-0: A soil that must be disposed of at an appropriately permitted California Class III or Class II disposal facility.
- Type Z-2: A soil that is considered California hazardous waste and must be disposed of in a California Class I disposal facility.
- Type Z-3: A soil that is considered federal hazardous waste also known as a Resource Conservation and Recovery Act waste and it must be disposed of in a California Class I disposal facility. The resident engineer must be aware of the

requirements of the ADL Agreement, including excavating, placing, stockpiling, transporting, managing, and burying soil containing ADL. Coordinating and communicating with the district ADL coordinator before, during, and after construction is very important. The resident engineer must also be familiar with the recording and reporting requirements of the ADL Agreement. Confer with the district ADL coordinator and refer to pages 18-21 of the ADL Agreement if there are questions about soil management requirements that are not addressed in Section 14-11.08 of the contract.

Special consideration must be given to Type R-1 and R-2 materials because they are hazardous waste that Caltrans is allowed to reuse on the project site with careful containment and tracking. The contractor must submit Form DOT CEM-1903, "Burial Location of Soil Containing Aerially Deposited Lead (Topographic Survey)," and electronic geospatial vector data shapefiles of the top and bottom of the burial location to the resident engineer within 5 business days of completing placement of soil containing ADL at a burial location. The resident engineer must verify the information submitted on the form and notify the contractor within 5 business days if the information must be corrected. If correction was needed, the contractor must then submit the corrected form and electronic geospatial vector data shapefile to the resident engineer. The resident engineer will email Form DOT CEM-1903 and the geospatial vector data shapefiles to the appropriate district ADL coordinator at ADL@dot.ca.gov, as necessary.

As Type R-1 and R-2 project changes require a written updated notification to DTSC, all field changes to R-1 or R-2 soil must be discussed with the district ADL coordinator. Do not proceed with R-1 or R-2 project changes without updated correspondence letters to DTSC or written notification from the district ADL coordinator indicating concurrence with the change. All field changes from the original design, including minor changes in placement locations, quantities, or protection measures, must be documented by the resident engineer on Form DOT CEM-4501, "Resident Engineer's Daily Report or Assistant Resident Engineer's Daily Report," within 5 days of the change.

The resident engineer is responsible for showing on the as-built plans where Type R-1 and R-2 were buried. Information submitted on Form DOT CEM-1903 should be used as the basis for the plotting locations.

The resident engineer must coordinate with and provide the following to the district ADL coordinator for all projects with regulated material:

- Lead compliance plan, within 10 days of accepting the plan
- Excavation and transportation plan, within 10 days of accepting the plan
- The start of construction notification at least 5 days before construction
- List of contractor and subcontractors
- Anticipated start and end construction dates
- Resident engineer contact information

- Project-defined corridor if soil will be moved from one Caltrans project to another
- Location and property owner information if the soil will be stockpiled off the job site or disposed of
- The completion report within 180 days of contract acceptance
- Actual start and end construction dates
- List of all EPA and State Identification Numbers, including Temporary Identification Numbers, issued by DTSC for the project. The list must include the identification numbers obtained by the contractor for contractor-generated hazardous waste.
- For Type R-1 or R-2 materials that were buried, provide the following to the district ADL coordinator:
 - Survey data at each burial location as signed by the contractor's surveyor
 - Volume of soil at each burial location
 - The historical maximum elevation of the water table underlying each burial location
 - Copies of all bills of lading used for transporting ADL soil. These must be kept on file with the project as-built plans
 - Laboratory data if soil is tested for lead during construction
- For regulated material that was disposed of outside the right-of-way, such as Type Z-0, Type Z-2, Type Z-3 and possibly Type Com if disposal of this material was allowed in Section 14-11.08, refer to Section 4.12.3 on page 26 of the ADL Agreement and provide the following to the district ADL coordinator:
 - Landfill names or private property location used, along with associated contact information
 - Copies of any and all bills of lading and hazardous waste manifests used to transport the soil
 - Zoning for the final destination property if not a landfill
 - Volume of soil moved to a landfill or final destination property
 - If not a landfill, whether soil was stockpiled or used as fill
 - Laboratory data if soil is tested for lead during construction

To comply with the record retention requirements of the ADL Agreement, the resident engineer must retain ADL-related records in Category 19, "Hazardous Waste and Hazardous Materials," of the project records as follows:

- All ADL-related correspondence, reports, data, and records
- All ADL-related documents included with the resident engineer pending file

7-107B (3) Minimal Disturbance of Regulated Material Containing Aerially Deposited Lead

The EPA allows certain discrete areas of generally dispersed contamination to be considered an individual waste management unit, equivalent to a landfill. These discrete areas are defined as areas of contamination (AOC). An AOC is equated to a single unit; therefore, movement, consolidation, or in-place treatment of hazardous waste within the AOC does not create a new point of hazardous waste generation. For an AOC, contamination must be contiguous but can have various concentrations.

The DTSC allows Caltrans to apply the AOC approach to projects that will only cause minimal disturbances of soil containing hazardous waste concentrations of ADL. Minimal or minor disturbances include installing guardrail, fencing, sign posts, traffic operation systems, highway planting and irrigation, minor clearing and grubbing, shoulder backing, pavement, and trenches for electrical systems. All soil disturbed must remain in the immediate area of disturbance and not be transported elsewhere. Health and safety precautions and dust control for hazardous waste must be implemented.

When the AOC approach can be applied to a minimal disturbance, the contract specifications under Section 14-11.09, "Minimal Disturbance of Regulated Material Containing Aerially Deposited Lead" of the *Standard Specifications* will require a lead compliance plan for worker safety and dust control measures and require that disturbed soil be placed back in the immediate area that it came from.

7-107C Naturally Occurring Asbestos

If naturally occurring asbestos (NOA) exists within the project area, the contract will include specifications that contain safety and management requirements. The specifications require that the contractor must, at all times, comply with the dust mitigation requirements of the local air pollution control district or the county air quality management district and California Code of Regulations, Title 8, Section 1529, "Asbestos" (8 CCR 1529), which is enforced by Cal/OSHA, for safe work practices when working with asbestos.

The California Air Resources Board (ARB) restricts the use of material containing detectable NOA, equal to or greater than 0.25 percent, and the DTSC regulates material containing hazardous levels of NOA defined as equal to or greater than 1.0 percent asbestos. However, the DTSC does not require that NOA be managed as a hazardous waste for disposal purposes, and, therefore, disposal at a Class I facility is not required. Because of this determination, a generator identification number is not necessary for disposing of excess NOA material, nor are waste manifests or DTSC-registered hazardous waste transporters required. However, surplus material containing 1.0 percent or greater of NOA must be disposed of by the contractor in a Class II or Class III landfill facility permitted to receive it and may not be relinquished for reuse on a site that is not a permitted disposal facility.

Ultramafic rock that has been tested and found to contain less than 0.25 percent asbestos and all NOA material containing less than 0.25 percent asbestos may be

used in a surfacing application according to 17 CCR 93106, "Asbestos Airborne Toxic Control Measure for Surfacing Applications." "Restricted Material" is defined as ultramafic rock, serpentine rock, or any material extracted from a region defined on geologic maps as an ultramafic rock unit, and any material that has been tested and found to have an asbestos content of 0.25 percent or greater. Surplus material with an NOA content greater than or equal to 0.25 percent, but less than 1.0 percent NOA must be disposed of in a licensed landfill facility if it is not relinquished to the contractor. If material containing less than 1.0 percent NOA is relinquished to the contractor for reuse in nonsurfacing applications, the contractor must provide the following warning to the entity receiving the NOA material:

W A R N I N G!

This material may contain asbestos.

It is unlawful to use this material for surfacing or any application in which it would remain exposed and subject to possible disturbances.

Extreme care should be taken when handling this material to minimize the generation of dust.

The resident engineer must obtain written documentation from the contractor stating that the relinquished NOA material will not be reused in a surfacing application and the final disposition of the restricted material.

7-107D Caltrans-Generated Contaminated Soil

If contaminated soil exists within the project area, the contract will include specifications that contain safety and management requirements. Depending on the depth to groundwater within the project area and the depth of construction activities, management of contaminated water may also be included. These specifications will vary depending on the site-specific conditions and, therefore, must be reviewed carefully by the resident engineer to make sure they are properly implemented.

7-107E Removing Yellow Traffic Stripe and Pavement Marking with Hazardous Waste Residue

When assessing, removing, and disposing of yellow traffic stripe and pavement marking materials on all projects, refer to Section 14-11.12, "Removal of Yellow Traffic Stripe and Pavement Marking with Hazardous Waste Residue," of the *Standard Specifications* and use the following procedures:

The resident engineer must review the construction contract to determine whether yellow traffic stripe and pavement marking material must be removed. If so, the resident engineer must also determine whether special handling as a hazardous waste is specified.

If yellow traffic stripe and pavement markings are to be removed and the removal has not been addressed in the contract, the resident engineer must consult with the

district hazardous waste coordinator to determine whether a change order is needed.

The resident engineer must verify:

- Training is completed.
 - The contractor provides personnel, including Caltrans employees who have no previous lead training, with a safety training program that meets 8 CCR 1532.1, “Lead,” requirements before performing any yellow traffic stripe and pavement marking removal. All personnel must complete the safety training program.
- Submission of the lead compliance plan is completed.
 - Work practices and worker health and safety must conform to 8 CCR 1532.1, “Lead.” The contractor must submit the written compliance programs required in Subsection (e)(2), “Compliance Program,” of 8 CCR 1532.1, to the resident engineer before starting to remove yellow traffic stripes and pavement markings and at such times when a program revision is required. An industrial hygienist certified by the American Board of Industrial Hygiene must prepare the compliance program. A competent person capable of taking corrective action must monitor the program. Copies of all inspection reports made in accordance with 8 CCR 1532.1 must be given to the resident engineer.
- The work plan has been accepted.
 - The contractor must submit a work plan that documents the removal equipment that will be used, removal and waste collection procedures, storage containers, storage location and security, sampling procedures, sampling personnel qualifications, certified laboratory that will run the analyses, hazardous waste hauler certifications, and receiving disposal site and requirements. Removal work may not start until the resident engineer has reviewed and accepted the work plan.
- Residue has been properly stored.
 - The contractor must store the residue from traffic stripe and pavement marking removal as follows:
 1. While waiting for any test results required by the disposal facility, store the collected residue as hazardous waste in properly labeled metal containers approved by the U.S. Department of Transportation for hazardous waste transport.
 2. Cover and handle the containers in such a manner that no spillage will occur.
 3. Enclose the stored containers with temporary chain link fencing or a lockable shipping container at a location within the project limits approved by the resident engineer.
 4. Begin disposing of the contained residue no more than 90 days after accumulating 220 pounds of residue.

- Residue testing and disposal has been completed.
 - Before disposal, the contractor is required to test the residue collected in the containers for proper waste classification. The level of lead waste contained in the removed material will be diluted by pavement debris that has also been removed. Depending on the test results, disposal of the stored material is as follows:
 1. Dispose of the stored residue as hazardous waste when its lead content is detected to be at levels greater than 1,000 mg/kg total lead or greater than 5 mg/l soluble lead. Keep records in accordance with current requirements for hazardous waste handling and disposal, and file them in the project files. The contractor must dispose of all hazardous waste residues resulting from yellow traffic stripe and pavement marking removal at an approved DTSC-permitted Class I disposal facility in accordance with the requirements of the disposal facility operator. A transporter currently registered with the DTSC using correct manifesting procedures must haul the yellow traffic stripe and pavement marking residue.

The contractor must make all arrangements with the disposal facility operator and perform any testing of the yellow traffic stripe and pavement marking debris required by the operator. The resident engineer must obtain the EPA or state Temporary Identification Number and sign all manifests as the generator. The resident engineer must also pay the manifest fees that may be billed several months after project completion.
 2. Unless the lead removal work was already contemplated in the construction contract, pay as change order work, all work performed for testing, additional removal costs, retesting, and additional disposal.
 3. If the analytical test results demonstrate that the waste is actually nonhazardous, a change order must be prepared to direct the contractor to dispose of the waste at a Class II or Class III facility with no additional payment provided.

7-107F Disturbance of Existing Paint Systems on Bridge

Bridge paints containing high levels of lead, zinc, and chromium, have been reformulated to reduce their toxicity before use. Even though the phase-out of those paints occurred many years ago, lead, zinc, and chromium are still a concern because when bridges are repainted, not all of the underlying layers of paint are completely removed. In addition, lead from the paint is actually absorbed into the steel and, as a result, even steel that no longer has paint on it can be a hazard if heated because heating releases lead as a toxic fume.

When bridge paints are disturbed, the paint debris must be properly contained to protect waterways and workers. It has been determined that the grime and debris that collects on bridges also contains elevated concentrations of lead. Consider this grime and debris part of the existing paint system.

When bridge paint will be disturbed as part of the project, the contract specifications will require a lead compliance plan for worker safety, waste management, and verification sampling to document that heavy metals are not released during the work.

The resident engineer must verify:

- Training is completed.
 - The contractor provides personnel, including Caltrans employees who have no previous lead training, with a safety training program that meets 8 CCR 1532.1, “Lead,” requirements before performing any bridge paint removal.
- Submission of the lead compliance plan is complete.
 - Work practices and worker health and safety must conform to 8 CCR 1532.1. The contractor must submit the written compliance programs required in Subsection (e)(2), “Compliance Program,” of 8 CCR 1532.1, to the resident engineer before starting to remove bridge paint and at such times when a program revision is required. An industrial hygienist certified by the American Board of Industrial Hygiene must prepare the compliance program. A competent person capable of taking corrective action must monitor the program. Copies of all inspection reports made in accordance with 8 CCR 1532.1 must be given to the resident engineer.
- Debris containment and collection plan is submitted.
 - The contractor must submit a plan that documents the removal equipment and containment systems that will be used, removal and waste collection procedures, the certified laboratory that will run the analyses, hazardous waste hauler certifications, and receiving disposal sites and requirements. Work that will disturb the paint system may not start until the resident engineer has reviewed and accepted the plan.
- Residue is properly stored.
 - The contractor must store the residue from paint disturbance or removal as follows:
 1. While waiting for any test results required by the disposal facility, store the collected residue as hazardous waste in properly labeled metal containers approved by the U.S. Department of Transportation for hazardous waste transport.
 2. Cover and handle the containers in such a manner that no spillage will occur.
 3. Enclose the stored containers with temporary chain link fencing or a lockable shipping container at a location within the project limits approved by the resident engineer.
 4. Begin disposing of the contained residue no more than 90 days after accumulating 220 pounds of residue.

- Waste testing and disposal.
 - Before disposal, the contractor is required to test the residue collected in the containers for proper waste classification. Depending on the test results, disposal of the stored material is as follows:
 1. Dispose of the stored residue as hazardous waste when its lead content is detected to be at levels greater than 1,000 mg or 1kg total lead or greater than 5 mg/l soluble lead. Keep records in accordance with current requirements for hazardous waste handling and disposal and file the records in the project files. The contractor must dispose of all hazardous waste residues at an approved DTSC-permitted Class I disposal facility in accordance with the requirements of the disposal facility operator. A transporter currently registered with the DTSC using correct manifesting procedures must haul the residue.

The contractor must make all arrangements with the disposal facility operator and perform any testing of the residue required by the operator. The resident engineer must obtain the EPA or State Temporary Identification Number and sign all manifests as the generator. The resident engineer must also pay the manifest fees that may be billed several months after project completion.
 2. Unless the lead removal work was already included in the construction contract, pay as change order work for all additional work related to testing, removal, retesting, and disposal costs.
 3. If the analytical test results demonstrate that the waste is actually nonhazardous, a change order must be prepared to direct the contractor to dispose of the waste at a Class II or Class III facility with no additional payment provided.
- Monitored work area.
 - The contractor must perform air monitoring to demonstrate that lead is not being released from the containment structure and perform soil sampling before and after the work is completed to demonstrate that lead has not been released to the ground beneath the work area. Consult the hazardous waste coordinator to determine the adequacy of the reports and whether a release has occurred requiring corrective action. If the area beneath the bridge is paved soil, sampling will not be included in the specifications. In these cases, look for color changes on the pavement that indicate a release of paint residue.

7-107G Treated Wood Waste

Treated wood has been used to support metal beam guard railing, thrie beam barrier, piles, and roadside signs. These wood products are typically treated with preserving chemicals that protect against insect attack and fungal decay. These chemicals may be hazardous and include, but are not limited to, arsenic, chromium, copper, creosote, and pentachlorophenol. The DTSC requires that treated wood

waste (TWW) either be disposed of as hazardous waste or, if not tested, the generator may presume that TWW is a hazardous waste and manage the waste using DTSC's Alternative Management Standards. The standards are described in California Health and Safety Code, Chapter 6.5, Section 25230-25230.18, "Management of Treated Wood Waste." The standards ease storage requirements, extend accumulation periods, allow shipment of TWW without manifests and use of a registered hazardous waste hauler, and permit disposal at specific nonhazardous waste landfills.

Whenever TWW is removed as part of the project, the contract specifications will direct the contractor to follow the alternative standards, including providing training to all personnel who may come into contact with TWW.

For projects that will generate more than 10,000 pounds of TWW in each calendar year, the DTSC must be notified within 30 days of exceeding this weight threshold.

The notification must include the following:

- Name and mailing address of the generator
- Generator identification number
- Date the 10,000-pound limit was or is expected to be exceeded
- Weight of the TWW as measured by the receiving facility
 - Name and address of the receiving facility. The resident engineer requests the temporary generator identification number from the DTSC and files an electronic form available on DTSC's website for TWW. The DTSC will forward a copy to the California State Board of Equalization which, in turn, sets up an administrative record. If a project will generate more than 10,000 pounds of TWW, a Basic Engineering Estimating System item 066915, "BOE TWW Generation Fee," will be included as a Caltrans-furnished material. This item will be paid before or during the closeout process of the project, up to 1 year after construction contract acceptance.

TWW can be shipped off-site by a hauler with a shipping document, bill of lading, or invoice serving as documentation. If TWW is less than 10,000 pounds per calendar year per project, a generator identification number is not required. Records must be kept for 3 years from the date of the last waste shipment.

If there is limited space or no area to temporarily store TWW on the job site, it may be transferred to a remote consolidation site, such as a maintenance facility, or a location that meets all the requirements of California Health and Safety Code, Chapter 6.5, Section 25230.7 "Transfer of treated wood waste."

7-107H Disposal of Electrical Equipment Requiring Special Handling

California law defines certain types of electrical equipment as hazardous wastes when they are taken out of service. The Department of Toxic Substances Control requires special handling of these hazardous wastes; however, in most cases electrical wastes are not subject to full hazardous waste requirements such as listing on a manifest, use of hazardous waste haulers, and disposal in a Class I landfill.

There are management requirements specific to disposal, dependent on the type of electrical waste.

The contractor must identify the type of electrical equipment to be removed and manage disposal of electrical equipment defined by law as a hazardous waste in conformance with Section 14-11.15, "Disposal of Electrical Equipment Requiring Special Handling," of the *Standard Specifications*. Thirty days before starting work, the contractor is required to submit the name and address of the appropriately permitted facilities where the electrical equipment will be transported. Review this information and consult your district hazardous waste technical specialist to review the contractor's plan.

The disposal costs of electrical equipment requiring special handling is included in the payment for the electrical bid items, unless the work is specified as change order work.

Types of electrical wastes generated on projects that are hazardous wastes are grouped into four categories and include:

Universal wastes such as:

- All types of light bulbs
- E-waste, which is electronic devices containing:
 - Circuit boards, including controller boxes and LED lights
 - Computer screens or video screens
 - Computer keyboards
 - Cathode ray tube devices
- Batteries
- Mercury-containing equipment such as lamps, timers, and switches
- Fluorescent tubes, bulbs, and lamps
- Electrical equipment containing polychlorinated biphenyls, or PCBs, such as:
 - Transformers and capacitors
 - Fluorescent light ballasts
- Lead acid batteries
- Photovoltaic panels

Universal wastes are hazardous wastes that are generated by all types of businesses as well as individual citizens. California's universal waste regulations allow individuals and businesses to transport, handle and recycle universal wastes, under less stringent requirements. However, universal wastes can adversely affect public health and the environment if not properly managed, and, therefore, must be disposed of or recycled at appropriately permitted facilities. Universal waste rules were relaxed to help safely manage these materials and keep them out of regular trash.

Most waste batteries, with the exception of lead acid batteries, are universal wastes. The lithium thionyl chloride batteries found in vehicle sensor nodes are universal wastes when taken out of use, as long as they are undamaged. Section 14-11.15C(2)(b), “Undamaged Lithium Thionyl Chloride Batteries,” of the *Standard Specifications* includes specific packaging requirements to prevent leakage of lithium thionyl chloride from the battery. Lithium thionyl chloride is considered an extremely hazardous waste and full hazardous waste regulations and specifications apply to the battery and the leaking chemical. If the contractor damages these batteries as a result of mishandling, the contractor is responsible for cleanup, management, disposal, and associated costs under Section 14-11.06, “Contractor-Generated Hazardous Waste,” of the *Standard Specifications*. If the contractor finds lithium thionyl chloride batteries already damaged, Caltrans is the hazardous waste generator under Section 14-11.07, “Department-Generated Hazardous Waste,” of the *Standard Specifications*. The cleanup, management, disposal, and associated costs are change order work and require a Caltrans EPA Generator Identification Number before the waste can be shipped.

PCB disposal is specially regulated under the US EPA Toxic Substances Control Act and other federal and state laws and regulations. PCB manufacture ended in the 1970s, but the substance may still be found in older transformers, capacitors, and fluorescent light ballasts. A Caltrans EPA Generator Identification Number must be obtained before these wastes can be shipped. Specific hazardous waste regulations apply to transformers, capacitors, and separate hazardous waste regulations for fluorescent light ballasts. If light ballasts are damaged, they may leak, causing additional regulations to apply because released PCBs are considered an extremely hazardous waste.

- If the contractor mishandles a fluorescent light ballast causing it to leak PCBs, the contractor is responsible for cleanup, management, disposal, and any associated costs under Section 14-11.06, “Contractor-Generated Hazardous Waste,” of the *Standard Specifications*.
- If the contractor finds fluorescent light ballasts already leaking PCBs, Caltrans is the hazardous waste generator of this extremely hazardous waste under Section 14-11.07, “Department-Generated Hazardous Waste,” of the *Standard Specifications* and is responsible for cleanup, management, disposal, and change order work associated costs.

Lead acid batteries, like those used to start gasoline-powered vehicles, are used in battery backup systems for equipment such as traffic lights. There are specific federal and state regulations on packaging, shipment, and recycling of these batteries. If 9 or fewer batteries are shipped, a bill of lading is used. If 10 or more batteries are shipped, a hazardous waste manifest must be assigned with an EPA Generator Identification Number before transporting.

Photovoltaic panels taken out of service are considered hazardous wastes because of their heavy metals content. They must be managed following the full hazardous waste regulation requirements as Caltrans-generated hazardous waste under

Section 14-11.07 of the *Standard Specifications*. Obtain an EPA Generator Identification Number before the photovoltaic panels can be shipped.

7-107I Unanticipated Discovery of Hazardous Waste and Contamination

Caltrans construction employees must follow safe practices and minimize their exposure after the discovery of unanticipated and unidentified hazardous wastes and a contamination event. Minimize potential risks during project construction by having all construction personnel follow the following general procedures:

- Cease construction after unknown and potentially hazardous wastes and contamination, including underground tanks, are discovered in the work area. When waste is discovered, follow the procedure described in Figure 7-1.1., “Unknown Hazards Procedure,” of this manual.
- Secure the area with barriers or fences and evacuate the vicinity.
- Prohibit construction personnel from any exploratory or investigative work that would result in further exposure. Personnel are prohibited from taking samples or testing potentially hazardous waste and contamination. This prohibition includes activities such as:
 - Touching, smelling, or ingesting suspected materials.
 - Climbing into trenches or enclosed areas where contamination is suspected.
 - Reaching, looking, or placing a foreign object, such as a stick to probe or a rock to test depth, to determine the presence of a liquid into exposed, leaking tanks or other enclosed spaces.
 - Using the prime contractor’s forces, including subcontractors, to respond to an unanticipated discovery if the type of hazard was not identified in the original contract documents is specifically prohibited by law. The contractor must stop work in the area and Caltrans must independently hire a Class A contractor with a Hazardous Waste Substances Removal Certification to respond. To compel a rapid response, Caltrans regions and districts are the contract administrators for on-call construction emergency contracts. Reach out to the contract manager for the applicable region or district for assistance. A contact list is available for Caltrans staff on the internal Onramp Construction’s Environmental Analysis Contracts and Agreements webpage.
- For any necessary exploratory, investigative, or cleanup work, use specialized consultants or safety workers who are fully trained, licensed, and qualified for hazardous waste work in accordance with state and federal regulations.
- Because of potentially catastrophic health effects, 29 CFR 1910.120, “Hazardous Waste Operations and Emergency Response,” requires that no one enter the designated exclusion zones until a complete and effective “hazardous waste worker protection program” is established or until the consultant has determined no exposure danger exists. The designated exclusion zones are delineated in the consultant-prepared hazardous waste site safety plans.

7-108 Crumb Rubber Usage Reporting

For projects that include items of work that use crumb rubber modifier, the contractor is required to report crumb rubber usage on Form DOT CEM-4410, "Crumb Rubber Usage Report." Crumb rubber is used in items of work including:

- Rubberized hot mix asphalt
- Hot mix asphalt with performance grade modified asphalt binder with crumb rubber modifier
- Seal coat with crumb rubber modifier
- Vegetation control (minor concrete)

The contractor is required to track and report the number of pounds of crumb rubber used throughout the duration of the contract. The contractor reports the monthly usage and total year-to-date usage information by the 10th of the month following the reporting period on Form DOT CEM-4410. During the preconstruction conference, the resident engineer must advise the contractor that this form is available on the Division of Construction's forms website at:

<https://dot.ca.gov/programs/construction/forms>

The requirements of the form should be explained and reiterated during the preconstruction conference held at the beginning of the project and preconstruction meetings for the various items of work that include crumb rubber.

The contractor submits Form DOT CEM-4410 monthly, for ongoing contracts, to the resident engineer by the 10th of the month following the reporting period, and a final report at the end of the project. If no crumb rubber was used during the reporting period, the contractor checks the, "No crumb rubber was used" check box on the form.

Form DOT CEM-4410 must be completely filled out and certified by the contractor for it to be acceptable. The resident engineer must review all reports submitted by the contractor for accuracy. The resident engineer completes and signs the section of the form verifying that the supplier is on the AML, quantities were paid on the monthly estimate, and that the contractor submitted the report to CRM@dot.ca.gov.

In accordance with Section 9-1.16E(3), "Performance Failure Withholds," of the *Standard Specifications*, withhold \$10,000 for each failure to submit a completed report.

7-109 Solid Waste Disposal and Recycling Reporting

Solid waste disposal and recycling reports require the contractor to track and report landfill disposal and material recycling activity performed throughout the duration of the contract. The contractor reports this information annually on Form DOT CEM-4401, "Solid Waste Disposal and Recycling Report." During the preconstruction conference, the resident engineer must advise the contractor that this form is available on the Division of Construction's forms website:

<https://dot.ca.gov/programs/construction/forms>

The requirements of the form should be explained and reiterated during the preconstruction conference and other meetings.

Form DOT CEM-4401 must include, at a minimum:

- The report calendar year.
- Amount of solid waste taken to landfills.
- Amount of solid waste diverted from landfills to recycling facilities.
- Amount of recycled material generated and then reused on a project.
- Name, title, and signature of the contractor's representative.
- Date of the report.

The contractor submits the annual report for ongoing contracts to the resident engineer by January 15, and a final annual report 5 days following contract acceptance. If no work was conducted during the reporting period, the report states that no work was performed during that period.

Section 14-10.02, "Solid Waste Disposal and Recycling Report," of the *Standard Specifications*, requires that the contractor submit to the resident engineer a final solid waste disposal and recycling report before the contract can be finalized.

Form DOT CEM-4401 must be completely filled out and signed by the contractor for it to be acceptable. The resident engineer must review all reports submitted by the contractor for accuracy. Compare the total amount listed on Forms DOT CEM-4401 of materials taken to and diverted from landfills with the approximate amount of work requiring the removal of materials. Before signing each report, resolve any discrepancies in material type or amount with the contractor. In accordance with Section 14-10.02, Caltrans withholds \$10,000 for each failure to submit a completed report.

The resident engineer must submit the approved Form DOT CEM-4401 to the district recycling coordinator and a copy to the district Construction office no later than February 1 of each year or within 15 calendar days after receiving the final report. Caltrans staff can find contact information for district and statewide recycling coordinators on the internal Onramp Equity, Sustainability and Tribal Affairs District Recycling Coordinators webpage.

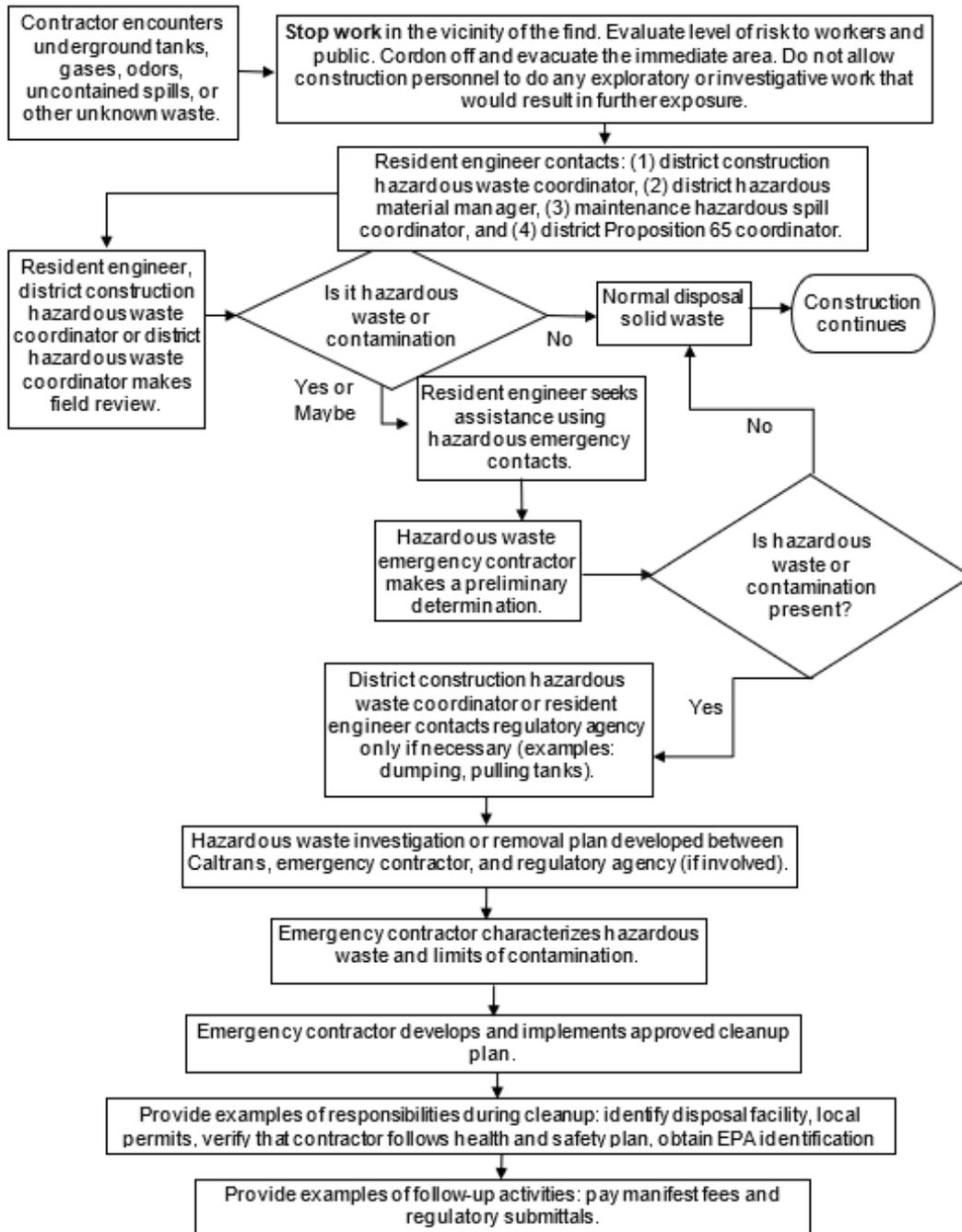


Figure 7-1.1. Unknown Hazards Procedure

7-110 Certificate of Environmental Compliance

A Certificate of Environmental Compliance (CEC) is prepared at the end of construction to document and certify Caltrans' environmental compliance efforts for

measures specified in final project documentation, including permits, licenses, agreements, and certifications (PLACs) and the environmental commitment record (ECR).

For any commitments not completed by the end of construction, initiate notification to, and have ongoing communication with, appropriate staff. This includes, but is not limited to, the environmental construction liaison, project manager, and environmental compliance unit chief. They will discuss and document the timing, staff, and resources of when commitments will be completed, and identify who is responsible for tracking such completion efforts. All activities to complete post-construction commitments are identified in the CEC. The resident engineer is responsible for making sure the CEC is prepared and distributed. The CEC refers to the ECR to determine:

4. Whether the environmental commitments were met and, if not, which alternative measures were implemented.
5. Which contract specifications satisfied environmental commitments and concerns.
6. Whether additional environmental commitments are required as a result of project changes, and their outcomes.

The updated ECR will serve as the basis for the CEC documentation.

The CEC will be signed by the environmental construction liaison, environmental compliance branch chief, project manager, and resident engineer; and will be filed in the project files.

Provide copies of the CEC to all district or regional organizational units responsible for the project including Environmental Analysis, Design, Project Management, and Construction.

Discuss the CEC fully at the project closeout meeting. This can result in identifying the lessons learned on the project and areas of environmental compliance that may need improvement. Include district maintenance staff in the project closeout meeting if there are post-project commitments.

The CEC form is available on the Caltrans Environmental webpage at:

<https://dot.ca.gov/programs/construction/environmental>