

Fact Sheet
February 2003

Environmental Assessments For Charter School Sites



SCHOOL PROPERTY EVALUATION AND CLEANUP DIVISION

DTSC is one of six Boards and Departments within the California Environmental Protection Agency. DTSC's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California
Environmental
Protection Agency



Assembly Bill 14

Assembly Bill 14 (AB 14) creates a pilot program to provide funding for new charter school construction. To receive this funding, the project must meet the toxic substances review and other requirements of California Education Code (CEC) Section 17078.54(c)(1)(A). This fact sheet provides information to charter school applicants on the environmental assessments and special site review and consultation services for charter schools.

Site Review and Consultation Services for Charter Schools

In addition to oversight during the environmental investigation, DTSC also offers site review and consultation services to charter school applicants at the site selection phase. This consultation may include a DTSC representative accompanying the charter school applicants on a site walk and discussing potential areas of concern and related sampling and analysis requirements before conducting a Phase I Environmental Site Assessment (Phase I) or Preliminary Environmental Assessment (PEA).

Phase Is and PEAs

Purpose: In order to obtain State funding for school property acquisition or new construction, CEC Section 17213.1 requires that charter school applicants conduct a Phase I for each proposed school site unless the project is a minor addition to the school and is exempt from California Environmental Quality Act (CEQA) requirements (see CEC Section 17268(c)). The Phase I will determine whether there has been, or may have been, a release of hazardous materials or the presence of naturally occurring hazardous materials. If the Phase I identifies potential or actual hazardous material release or the presence of naturally occurring hazardous materials, a PEA is required to evaluate the threat posed to public health or the environment. The CEC requires DTSC to review and approve Phase Is and PEAs, and make a determination about the need for further action or remediation. Charter school applicants may elect to proceed directly to a PEA without first completing a Phase I.

As defined in CEC Section 17210(b), the Phase I and PEA must be prepared by a qualified environmental assessor with one of the following minimum qualifications:

- Class II Environmental Assessor, registered by DTSC
- Professional engineer, registered in California
- Geologist, registered in California
- Certified engineering geologist, registered in California, or
- Licensed hazardous substances contractor, with specific academic credentials

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our web site at www.dtsc.ca.gov.

In addition, any person who conducts a Phase I must have at least two years experience in preparing these assessments. For PEAs, a minimum of three years experience in preparing PEAs is required. The Phase I and/or PEA should include documentation of the qualifications and experience of the environmental assessor.

Phase Is

Process and Timeframe

- Phase Is and the appropriate fee are sent directly to the attention of Ms. Ellen DelMar at DTSC's Cypress office at 5796 Corporate Avenue, Cypress, CA 90630. Ms. DelMar may also be reached by telephone at (714) 484-5482 or by e-mail at Ellen.DelMar@dtsc.ca.gov.
- DTSC will review the Phase I and issue a determination of 'No Action' or 'PEA Required' within 30 days of receipt of the document and appropriate fee.
- If the Phase I is incomplete, DTSC will identify additional information required for approval. The charter school applicant may supply the additional information, conduct a PEA, or choose to cancel pursuit of the site or construction project. Should additional information be submitted, DTSC shall conduct its review and issue a determination of 'No Action' or 'PEA Required' within 30 days of receiving the additional information.

Phase I Fees: Charter school applicants are responsible for reimbursing DTSC for all response costs which it incurs. Phase Is submitted to DTSC must be accompanied by a \$1500 advance payment made to the Department of Toxic Substances Control, and sent to the DTSC Glendale office as described above. The purpose of this advance payment is to cover DTSC oversight costs associated with the review of the Phase I. DTSC will refund unused monies to the charter school applicant if Phase I costs are less than \$1500, and will invoice the charter school applicant for Phase I costs in excess of \$1500.

PEAs

Process and Timeframe

- Where a PEA is required, charter schools will need to complete and submit the Environmental Oversight Agreement (EOA) Application, along with appropriate background information on the site, to DTSC for processing. Background information may consist of a Phase I or other relevant documents. At a minimum, the information submit-

ted with the application should include a location map, such as a street or topographic map, and a site diagram depicting the current development (e.g., structures, land uses).

- DTSC will prepare the EOA within 15 days of receipt of the application and submit the EOA to the charter school applicant.
- The charter school applicant will review the site-specific information to ensure accuracy, sign both originals and return them to DTSC for execution.
- Upon execution, DTSC will return a fully executed original to the charter school applicant and will assign a project manager as the technical contact to guide the charter school applicant through the PEA process.
- The project manager will schedule a scoping meeting with the charter school's representative and environmental assessor. During the scoping meeting, the environmental assessor should present a detailed summary of the site historical and present land uses, the uses of the adjacent properties, potential areas of concern, the proposed sampling approach and analytical methods to address the areas of concern, and the timeframe for completion of the environmental site investigation. DTSC will provide recommendations, as needed, for the proposed sampling and analysis during the scoping meeting and request a PEA Work Plan (WP) documenting the agreed upon approach for investigating the site.
- The environmental assessor will submit a Draft PEA WP, on behalf of the charter school applicant, for DTSC review. DTSC will review and, if necessary, comment on any data gaps in the PEA WP within 30 calendar days of receipt of the document.
- The environmental assessor will revise the PEA WP based on DTSC comments, and submit the revised PEA WP for DTSC review and approval. Provided all of DTSC's comments have been addressed, the revised PEA WP will be approved within 15 calendar days of receipt of the document.
- The charter school applicant or environmental assessor will provide a minimum of 3-5 days notice to the public, within line-of-sight to the area being investigated, of the impending fieldwork.
- The environmental assessor will conduct the necessary fieldwork and compile the laboratory analytical results in a Draft PEA Report for submittal to DTSC.

- The charter school applicant should select one of two options (Option A or Option B) for making the PEA available for public review and comment pursuant to CEC Section 17213.1(a)(6).

PEA Fees: The EOA contains a PEA cost estimate for DTSC oversight, calculated using hourly rates for DTSC staff based on classification (e.g., Project Manager, Toxicologist, Geologist, etc.). One half of the total cost estimate is due and payable within ten days of receipt of the executed EOA. The charter school applicant will be billed quarterly for the remainder of the project costs.

Public Participation for PEAs

Option A: The public review and comment period for the Draft PEA is conducted simultaneously with DTSC review before, during or after the public comment period of CEQA documents for the project.

Under CEC Section 17213.1(a)(6)(A), DTSC and the public will review and comment on the Draft PEA concurrently. If the Draft PEA is likely to be disapproved, DTSC will notify the charter school applicant of what is required to approve the Draft PEA. Otherwise, DTSC will issue comments or concur with the adequacy of the Draft PEA within 30 calendar days of receipt of the document.

The environmental assessor will revise the PEA Report based on comments by DTSC and the public and submit the revised PEA Report for DTSC review and approval. Provided all DTSC and public comments have been addressed, DTSC will issue a final PEA determination of 'No Further Action' or 'Further Action' within 30 calendar days following the close of the public comment period and consideration of any public comments received.

Option B: The public review and comment period for the DTSC-approved Draft PEA is conducted simultaneously with the public review of CEQA documents for the project.

Under CEC Section 17213.1(a)(6)(B), DTSC will review and comment on any data gaps in the Draft PEA Report, or concur with the adequacy of the Draft PEA Report, within 30 calendar days of receipt of the document. The environmental assessor will revise the PEA Report based on DTSC comments and submit the revised PEA Report for DTSC review and approval. Provided all of DTSC's comments have been addressed, the PEA Report will be approved for public review within 15 calendar days of receipt of the revised document.

Following approval of the PEA, the charter school applicant should provide the PEA along with the CEQA documents (e.g., draft environmental impact report or negative declaration) for a minimum 30-day public review and comment period and public hearing for the project. Following the close of the public comment period, public hearing and within 30 calendar days of the approval of the CEQA documents for the charter school project, DTSC will issue a final PEA determination of 'No Further Action' or 'Further Action', provided all public comments have been addressed.

If Contamination is Found at a Proposed Charter School Site

If the approved PEA concludes that the property has contamination which requires additional investigation and cleanup, the charter school applicant can either investigate and cleanup the property under DTSC oversight, or it can elect not to proceed with the acquisition or construction project. If the charter school applicant elects to proceed with a cleanup, the charter school applicant is required to:

- Prepare an estimate of the cost of investigation and cleanup of the proposed school site.
- Assess the benefits of selecting the proposed school site as compared to alternative school sites.
- Obtain the approval of California Department of Education (CDE) to acquire the school site (i.e., contingent site approval).
- Evaluate the suitability of the proposed school site, in comparison with alternate school site locations.

If the charter school applicant elects to acquire the school site or proceed with construction, it will be required to enter into a Voluntary Cleanup Agreement (VCA) with DTSC to oversee the necessary cleanup activities. Pursuant to the CEC, all investigations and cleanup actions must be conducted pursuant to Chapter 6.8, Division 20, of the California Health and Safety Code. This includes requirements for public participation and compliance with CEQA.

- When all necessary cleanup activities have been completed, a letter will be issued to the school district (with copies to CDE, the State Architect and the Office of Public School Construction) certifying that the cleanup is complete.
- If hazardous substances are encountered during school construction on a school property, the school district is required to stop construction,

promptly notify DTSC, and take actions necessary to address the hazardous materials under DTSC oversight.

- An overview of the environmental review and cleanup process is shown below.

VCA Fees: The VCA contains a cost estimate for DTSC oversight of the projected scope of work. One half of the total estimated cost is due within ten days of receipt of the executed VCA. The charter school applicant is billed quarterly for the remainder of the project costs.

For More Information

To learn more about DTSC's school investigation and cleanup activities or to initiate a site consultation or an agreement with DTSC for oversight of a PEA, please contact Shahir Haddad, Unit Chief, Southern California Schools by telephone at (714) 484-5368, by mail at DTSC, 5796 Corporate Avenue, Cypress, CA 90630, or by e-mail at Shahir.Haddad@dtsc.ca.gov.

Copies of the documents, forms and fact sheets pertinent to school investigations, such as those listed here, may be obtained through the DTSC Glendale office or downloaded from the DTSC website at www.dtsc.ca.gov/Schools/index.cfm:

- Phase I Environmental Site Assessment Advisory: School Property Evaluations
- Fact Sheet: Update on Environmental Requirements for Proposed School Sites/Construction Projects (AB 2644)
- Fact Sheet: Environmental Oversight Agreements, School Property Evaluation and Cleanup Division
- Fact Sheet: New Environmental Requirements for Proposed School Sites (AB 387 and SB 162)
- Fact Sheet: Proposed Regulations on Preparation of Phase I Environmental Site Assessments

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