

## School Construction

### **Identification of Additional Environmental Concerns and Impacts**

In accordance with the Education Code, if a school district discovers a previously unidentified release or threatened release of a hazardous material, or the presence of a naturally-occurring hazardous material, at any time during construction at the site, the district shall cease all construction activities at the site and *notify DTSC within 24 hours by telephone call or email*. DTSC anticipates such releases may include contamination associated with newly identified underground storage tanks, septic tanks, seepage pits, and other impacted soils. The district should implement interim control measures so as to prevent direct exposure or contaminant migration. DTSC will reopen the school site code and will invoice districts for oversight costs, and may require a new agreement signed by the district and DTSC.

In order to facilitate and expedite DTSC's evaluation to determine if additional investigation or mitigation is required, DTSC requests that the school district provide DTSC with the following written information, as soon as possible after notification:

- Date the impacted area was identified
- Description of the environmental concerns (include photos)
- Estimated areal extent of the impact
- Brief site history (include site code, previous names)
- Site investigation history (maps with borings, data summaries for relevant area)
- Explanation for omission from previous investigations
- Interim control measures (security, fencing, stop work orders)
- Proposed scope of work to characterize the impact
- Proposed mitigation measures (e.g., sampling, tank removal, soil excavation)

All documents, maps, figures, and tables should be labeled appropriately and must meet quality assurance protocols and standards.

Upon receipt of submittals, DTSC will review the required information (as listed above) within 2-3 work days (not including weekends), and will either provide input on the proposed investigation or concur with the scope of work. Whenever possible, DTSC will send a field representative to assess the situation and provide field support.

In order for DTSC to concur with or approve proposed mitigation measures, the school district should also submit to DTSC a preliminary risk screening evaluation (based on site-specific cleanup goals, or CHHSLs) to determine whether the identified contaminants pose a threat to human health and the environment. DTSC will review the district's mitigation proposals within 2-3 work days (not including weekends), and will either request additional information or modifications if needed, or concur with the investigation plan upon receipt of necessary information.

**Districts choosing to perform investigation or remediation activities before receiving DTSC approval do so at the risk of being required by DTSC to conduct**

## **additional work under DTSC oversight.**

In some cases, due to contamination volume, chemicals of concern, or heightened public interest in the project, DTSC may find it necessary to stop, partially or fully, construction to complete a Removal Action Workplan (RAW). DTSC will follow the standard RAW process to complete necessary milestones in accordance with provisions of the Health and Safety Code, Chapter 6.8.

Following receipt of DTSC's concurrence, the school district may implement the proposed mitigation measures. Actions undertaken to investigate or mitigate the release or threatened release of hazardous materials should be documented by the school district in the appropriate decision document (Technical Memorandum, SSI Report or RAW Completion Report), submitted to DTSC for review within 30 days after completion. Construction should not recommence until DTSC issues a Partial Site Approval, or issues approval of the decision document.

## **Hazardous Waste Disposal Procedures**

Following completion of the Preliminary Environmental Assessment approved by DTSC with a "No Further Action" determination, DTSC oversight is not required during school construction unless new contamination is discovered. Direct DTSC oversight and approval is generally not necessary for hazardous waste disposal, provided the school district, as the "generator", follows applicable laws and regulations. As long as the school district determines soils and/or construction materials are non-hazardous wastes and/or do not pose a threat to human health and the environment, DTSC does not need to be notified. DTSC is, however, available for consultation if requested.

If the school district determines it must dispose of soil and construction materials **as a hazardous waste**, or identifies the soil or construction material **as a threat to public health or the environment**, requiring off-site treatment or disposal as either a hazardous waste or non-hazardous waste, the school district should notify DTSC and provide characterization results and disposal proposals **prior to shipping** the waste for disposal. The school district notification to DTSC should include:

- Date the impacted soil or construction material was identified
- Description of environmental concerns (include photos), with volume, COCs, in-situ or ex-situ
- Characterization data package
- Hazardous waste or risk assessment criteria exceeded
- Brief site history(include site code, previous names)
- Site investigation history (maps with borings, data summaries for relevant area)
- Reason for omission from previous investigations
- Proposed disposal facility
- Proposed shipment date
- Uniform Hazardous Waste Manifests (following appropriate disposal)

DTSC will review the district's proposal within 2 to 3 work days (not including weekends) and will either propose modifications or concur with the proposal. DTSC requires that hazardous wastes be managed in accordance with all state and federal requirements, and may request copies of shipping documents to verify offsite disposal.

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### **Imported Fill Material**

DTSC will approve import or export of fill material when such activities are required for response actions (e.g., RAWs) at school sites. Following completion of a PEA and/or response actions, there is no requirement for districts to obtain DTSC approval of fill material. School districts are nevertheless required to ensure that school site development and construction activities do not result in new environmental impacts, and may request DTSC's concurrence on selection of proposed fill materials. Such proposals should be submitted to DTSC along with the following information:

- Borrow site history, geology, impacts (Phase I equivalent)
- Proposed volume of fill
- Analytical data package collected pursuant to DTSC's "Clean Fill" advisory, including naturally-occurring hazardous materials (e.g., metals, NOA)
- Proposed deposition area(s)

DTSC will review the district's proposal within 2 to 3 work days (not including weekends) and will either propose modifications, request additional information, or concur with the proposal. If districts elect to pursue DTSC concurrence, fill soils should not be emplaced until DTSC issues concurrence.