



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

December 4, 2023

Bryan Ramos Fernandez
CEQA Project Manager
Los Angeles Unified School District
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Governor's Office of Planning & Research

Dec 04 2023
STATE CLEARINGHOUSE

RE: NEGATIVE DECLARATION (ND) FOR THE 49TH STREET ELEMENTARY SCHOOL MAJOR MODERNIZATION PROJECT, DATED NOVEMBER 9, 2023 STATE CLEARINGHOUSE # [2023110270](#)

Dear Bryan Ramos Fernandez:

The Department of Toxic Substances Control (DTSC) received a Negative Declaration (ND) for the 49th Street Elementary School Modernization Project (Project). The Project would demolish three permanent buildings (West Classroom Building, Cafeteria/Lunch Pavilion, and Auditorium Building), remove three sheltered corridors, replace the core facilities and instructional spaces. The Project would construct a one-story kindergarten classroom building with four kindergarten classrooms and associated support spaces; a one-story multi-purpose room/food services/library building; lunch shelter; covered eating area for faculty; two shade structures; and new sheltered corridors. Additionally, the Project would include exterior painting of all existing building and structures to remain, as well as minor interior improvements to convert one existing classroom and

the existing library into administrative workrooms. The Project would also include the installation of interim facilities to allow the school to remain operational during construction, including a relocatable kitchen/scramble building and a relocatable restroom building. The proposed Project maintains the school's current capacity and total number of standard size classrooms. Based on our review, DTSC requests consideration of the following comments.

1. If the district plans to use California Department of Education (CDE) State funds for the project, then the district shall comply with the requirements of Education Code (EDC), [§ 17210](#), [§ 17213.1](#), and [§ 17213.2](#), unless otherwise specifically exempted under section [§ 17268](#). If the district is not using CDE State funds for the project, or is otherwise specifically exempt under section [§ 17268](#), DTSC recommends the district continue to investigate and clean up the Site, if necessary, under the oversight of Los Angeles County and in concurrence with all applicable DTSC guidance documents. For more information on the CDE State funding, please visit [Office of Public-School Consultation](#) webpage.

A local education agency may also voluntarily request the CDE site/plan approval for locally funded site acquisitions and new construction projects. In these cases, CDE will require DTSC to review and approve prior to its final approval, except when exempt under section 17268.

2. Since the project is school site related, DTSC recommends that an environmental review, such as a Phase I Environmental Site Assessment and/or Preliminary Environmental Assessment, be conducted to determine whether there has been or may have been a release or threatened release of a hazardous material, or whether a naturally occurring hazardous material is present based on reasonably available information about the property and the areas in its vicinity. Such an environmental review should generally be conducted as part

of the California Environmental Quality Act (CEQA) process. If the District elects to proceed and conduct an environmental assessment at the Site under DTSC oversight, it should enter into an Environmental Oversight Agreement with DTSC to oversee the preparation of the environmental assessment.

3. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [*Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers*](#)
4. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within approved screening levels for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use.

DTSC appreciates the opportunity to comment on the 49th Street Elementary School Modernization Project's ND. If you would like to proceed with DTSC's school environmental review process, please visit [DTSC's Evaluating & Clean-up School 3-Step Process](#) to begin a Phase I Environmental Site Assessment.

Bryan Ramos Fernandez

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Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,



Tamara Purvis

Associate Environmental Planner

HWMP – Permitting Division - CEQA Unit

Department of Toxic Substances Control

cc: Governor's Office of Planning and Research

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