

# Los Angeles Unified School District

## Office of Environmental Health and Safety

ALBERTO M. CARVALHO  
Superintendent of Schools

CARLOS A. TORRES  
Director, Environmental Health and Safety

JENNIFER FLORES  
Deputy Director, Environmental Health and Safety

### NOTICE OF EXEMPTION

2024 037901



FILED  
Feb 20 2024

Dean C. Logen, Registrar – Recorder/County Clerk

Electronically signed by RICKENA MCCLAIN

THIS NOTICE WAS POSTED

ON February 20 2024

UNTIL March 21 2024

REGISTRAR – RECORDER/COUNTY CLERK

To:  
County Clerk and Registrar-Recorder  
County of Los Angeles  
12400 Imperial Highway  
Norwalk, CA 90650

From:  
LAUSD OEHS  
333 S. Beaudry Avenue  
21st Floor  
Los Angeles, CA 90017

#### Project Title:

Bethune Middle School – Soil Cleanup

#### Project Location – Specific:

The Bethune Middle School Soil Cleanup Project (Project) will be located on the 15.35-acre Bethune Middle School (Bethune MS) campus. The Bethune MS Campus (Campus) is located at 155 West 69<sup>th</sup> Street in the City of Los Angeles. It is bound by West 67<sup>th</sup> Street to the north, Main Street to the east, West 69<sup>th</sup> Street to the south, and South Broadway Street to the west. The Campus is located in an urbanized community primarily consisting of commercial uses, multi-family, and single-family residences.

#### Project Location – City:

Los Angeles

#### Project Location – County:

Los Angeles

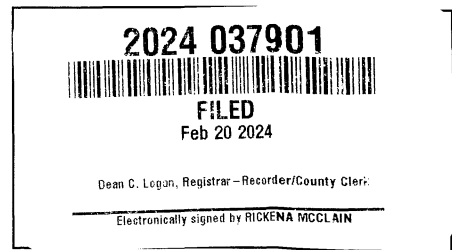
#### Description of Nature, Purpose, and Beneficiaries of Project:

The Project entails the implementation of a cleanup plan for polychlorinated biphenyls (PCBs) impacted soil, which includes excavation of impacted soil and disposal of impacted soil located in the landscaped courtyard area as a part of the Bethune MS Americans with Disabilities Act (ADA) Improvement Project (Figure 1). The Los Angeles Unified School District Board of Education approved the Bethune MS ADA Improvement Project's budget of \$8,598,851 on November 13, 2018. The Soil Cleanup portion of the ADA Improvement Project is estimated to cost approximately \$500,000.

Soil sampling was performed to address compliance with South Coast Air Quality Management District Rule 1466 during the Bethune MS ADA Improvement Project. PCBs were initially identified in soil at concentrations exceeding 50 milligrams per kilogram during soil sampling in the landscaped courtyard area during the initial phase of the Bethune MS ADA Improvement Project. A complete copy of the report for this investigation is provided in Appendix A of the Site Characterization Report and Cleanup Plan<sup>1</sup>. The report recommended that further site characterization be conducted in accordance with the Toxic Substance Control Act (TSCA) PCB regulations in Title 40 Code of Federal Regulations (40 CFR) §761. Subsequent site characterization work has included drilling 103 soil borings, collecting surface soil samples at 33 locations, and analyzing a total of 388 soil samples for PCBs.<sup>2</sup>

<sup>1</sup> LAUSD OEHS. November 2023. "Site Characterization Report and Cleanup Plan Bethune Middle School." Los Angeles, California.

<sup>2</sup> *Ibid.*



Based on the site characterization data, a cleanup plan has been developed for the Site. The cleanup plan includes the following elements:

- Excavation and off-site disposal of soils with total PCB concentrations  $\geq 50$  milligrams per kilogram.
- Excavation of soil underlying the courtyard area to a minimum depth of 2 feet below finished grade, except in three areas where shallower excavation is necessary to protect existing infrastructure.
- Additional excavation of soil to accommodate tree planting holes for the courtyard renovation.
- Verification sampling of the excavation to document PCB concentrations in soil remaining in place.
- Construction of an engineered protective barrier consisting of colored geotextile filter fabric and a minimum of two feet of compacted soil or compacted soil and pavement. The engineered protective barrier will eliminate future contact with PCB-impacted soil remaining in place within the courtyard footprint.
- Implementation of land use controls to ensure that the engineered protective barrier remains intact and to prohibit future residential use of the property.

The cleanup plan identifies best management practices designed to limit potential short-term risks (e.g., the exposure of onsite workers to COCs during soil excavation activities) through the proper use of institutional controls, such as engineering controls, security measures, personal protective equipment (PPE), and adherence to established health and safety procedures, including the application of water spray to suppress fugitive dust emissions during the excavation, the proper handling, transportation and disposal of impacted soil, and enforcing speed limits at the Project site.<sup>3</sup> All soil removal activities will follow generally acceptable practices, institutional controls, and State, federal, and local agency guidelines, including, but not limited to, those of the: Environmental Protection Agency (EPA), South Coast Air Quality Management District (SCAQMD), Occupational Safety and Health Administration (OSHA)/National Institute of Occupational Safety and Health (NIOSH), and Regional Water Quality Control Board. Soil removal will occur in the summer when students and staff are off campus.

The Project will be implemented pursuant to all applicable State, federal, and local regulations, and all applicable LAUSD specifications, standards, and/or guidelines, including those in compliance with the California Environmental Quality Act (CEQA) and the updated Standard Conditions of Approval for District Construction, Upgrade, and Improvements Projects (SCs) as adopted by the Board of Education in December 2023.<sup>4</sup> LAUSD's SCs, design guidelines, and best management practices are designed to be incorporated into the Project design in order to avoid or limit potential adverse impacts associated with the District's projects.

The beneficiaries of this Project are the Bethune MS students, faculty, staff, families, school supporters, and the community at large who may request access to the facilities and grounds of the Campus pursuant to the Civic Center Act (CA Ed. Code Sections 38130 - 38139).

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**Name of Public Agency Approving the Project:**

Los Angeles Unified School District

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**Name of Person or Agency Carrying Out Project:**

Los Angeles Unified School District

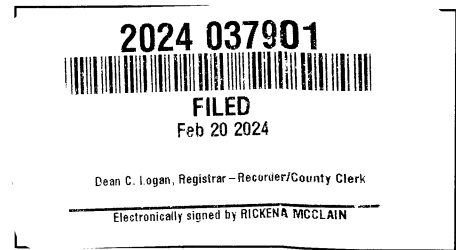
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**Exempt Status: (check one below)**

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<sup>3</sup> *Ibid.*

<sup>4</sup> LAUSD OEHS, "Standard Conditions of Approval for District Construction, Upgrade, and Improvements Projects," Adopted by the Board of Education on December 12, 2023.



- Ministerial [Public Resources Code (PRC) Section 21080(b)(1); CEQA Guidelines Section 15268<sup>5</sup>]:
- Declared Emergency [PRC Section 21080(b)(3); CEQA Guidelines Section 15269(a)]:
- Emergency Project [PRC Section 21080(b)(4); CEQA Guidelines Section 15269(b)(c)]:
- Categorical Exemption (PRC Section 21084; CEQA Guidelines Sections 15300 -15333):
  - *CEQA Guidelines Section 15330 - Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances.*
- Statutory Exemption:

**Reasons why project is exempt:**

Section 15330 - Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances.

Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

The Project entails the implementation of a cleanup plan for polychlorinated biphenyls impacted soil; excavation of impacted soil; and disposal of impacted soil located in the landscaped courtyard area. Based on the site characterization data, a cleanup plan has been developed for the Site. The cleanup plan includes the following elements:

- Excavation and off-site disposal of soils with total PCB concentrations  $\geq 50$  milligrams per kilogram.
- Excavation of soil underlying the courtyard area to a minimum depth of 2 feet below finished grade, except in three areas where shallower excavation is necessary to protect existing infrastructure.
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- Verification sampling of the excavation to document PCB concentrations in soil remaining in place.
- Construction of an engineered protective barrier consisting of colored geotextile filter fabric and a minimum of two feet of compacted soil or compacted soil and pavement. The engineered protective barrier will eliminate future contact with PCB-impacted soil remaining in place within the courtyard footprint.
- Implementation of land use controls to ensure that the engineered protective barrier remains intact and to prohibit future residential use of the property.

The cleanup plan identifies best management practices designed to limit potential short-term risks (e.g., the exposure of onsite workers to COCs during soil excavation activities) through the proper use of institutional controls, such as engineering controls, security measures, personal protective equipment (PPE), and adherence to established health and safety procedures, including the application of water spray to suppress fugitive dust emissions during the excavation, the proper handling, transportation and disposal of impacted soil, and enforcing speed limits at the Project site.

Section 15300.2 – Exceptions

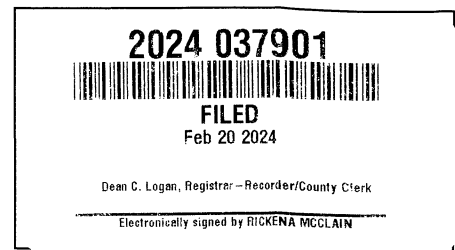
Section 15300.2 of the CEQA Guidelines, Exceptions, provides conditions under which categorical exemptions are inapplicable. Review of the Project indicates that they would not violate any of the exceptions, as described below.

1. *The project would occur in certain specified sensitive environments or locations;*

The Project site is a fully developed Campus within an urbanized community.<sup>6</sup> The Project site is not designated as a biologically sensitive location. The nearest significant ecological area to the Project site is Ballona Wetlands.

<sup>5</sup> CEQA Guidelines can be found at California Code of Regulations Title 14, Chapter 3, Section 15000 - Section 15387.

<sup>6</sup> City of Los Angeles Planning Department, *Zoning and Information Management System*, <http://zimas.lacity.org/>, accessed November 2023.



located 8.6 miles southwest of Bethune MS and the nearest critical habitat is the Western snowy plover, located approximately 9.8 miles southwest of the Campus.<sup>7,8</sup> As such, the Project will not impact sensitive environments or locations.

2. *Cumulative impacts would be considerable because successive projects of the same type would occur at the same place over time;*

The Campus is an active school site and there will likely be ongoing maintenance activities and minor projects on the Campus to keep the school operational. As the Project would not result in any lasting impacts once construction of the Project is complete, the Project would not contribute to cumulative impacts when considered with expected successive projects.

3. *There is a reasonable possibility that the activity would have a significant effect on the environment due to unusual circumstances.*

There are no known unusual circumstances that would have a significant effect on the environment. The removal of trees is not anticipated as part of the proposed scope of work. However, should the Project be altered to include the removal of trees, LAUSD's Office of Environmental Health & Safety (OEHS) must be notified immediately. District policy requires consultation with an arborist to determine if the trees are a protected native species. All tree trimming and removal conducted on District property is required to adhere to the procedures described in the LAUSD OEHS Tree Trimming and Removal Procedure.<sup>9</sup> Additionally, written approval from the school principal will be required before any trees can be removed. If tree removal is scheduled to occur between February 1 and August 31, a nesting bird survey would be performed prior to removal activities, per Standard Condition of Approval (SC) SC-BIO-3 of the Subsequent Program Environmental Impact Report (SPEIR).<sup>10,11</sup>

The Project will include ground-disturbing activities. OEHS will provide oversight to ensure that these activities are conducted in compliance with the requirements of District Specification 01 4524, relevant provisions of South Coast Air Quality Management District Rule 1466, and other applicable environmental agency rules and requirements.<sup>12</sup> Furthermore, as set forth in SC-CUL-6, SC-CUL-7, SC-CUL-9, SC-CUL-10, and SC-GEO-2 of the SPEIR, construction activities must be stopped immediately and OEHS notified upon discovery of subsurface features, such as buried resources (i.e., paleontological resources, archaeological resources), tanks or seepage pits, or stained/odoriferous soils.<sup>13</sup> Lastly, any construction and demolition waste shall be recycled to the maximum extent feasible per SC-USS-1 of the SPEIR.<sup>14</sup> Therefore, the Project will not have a significant effect on the environment due to unusual circumstances.

4. *The project may result in damage to scenic resources, including but not limited to trees, historic buildings, rock outcroppings, or similar resources within a highway officially designated as a state scenic highway;*

The closest designated state scenic highway to Bethune MS is State Route 2 (SR2), which is located approximately 18.5 miles northeast of the Campus.<sup>15</sup> In addition, the Project would not result in the removal of historic buildings,

<sup>7</sup> United States Fish and Wildlife Service Critical Habitat Portal, <https://ecos.fws.gov/ecp/report/table/critical-habitat.html> accessed November 2023.

<sup>8</sup> Los Angeles County Department of Regional Planning, [http://gis.planning.lacounty.gov/GIS-NET3\\_Public/Viewer.html](http://gis.planning.lacounty.gov/GIS-NET3_Public/Viewer.html), accessed November 2023.

<sup>9</sup> LAUSD OEHS, "Tree Trimming and Removal Procedure," <https://achieve.lausd.net/ceqa>

<sup>10</sup> LAUSD OEHS, "Standard Conditions of Approval for District Construction, Upgrade, and Improvements Projects," Adopted by the Board of Education on December 12, 2023

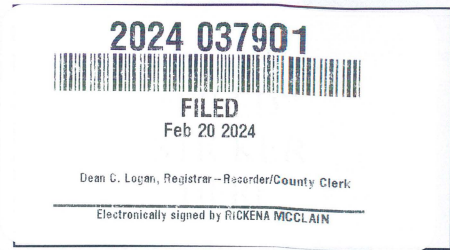
<sup>11</sup> LAUSD OEHS, "Tree Trimming and Removal Procedure", <http://achieve.lausd.net/ceqa>.

<sup>12</sup> LAUSD OEHS, "Section 01 4524 Environmental Import/Export Materials Testing", [http://www.laschools.org/documents/file?file\\_id=219798234&show\\_all\\_versions\\_p=t](http://www.laschools.org/documents/file?file_id=219798234&show_all_versions_p=t)

<sup>13</sup> LAUSD OEHS, "School Upgrade Program Final Subsequent Environmental Impact Report," <http://achieve.lausd.net/ceqa>, Adopted by the Board of Education on December 12, 2023

<sup>14</sup> *Ibid.*

<sup>15</sup> Los Angeles County Department of Regional Planning, [http://gis.planning.lacounty.gov/GIS-NET3\\_Public/Viewer.html](http://gis.planning.lacounty.gov/GIS-NET3_Public/Viewer.html), accessed November 2023.



rock outcroppings, or other scenic resources. Therefore, the Project would not result in damage to scenic resources or similar resources within a highway officially designated as a state scenic highway.

5. *The project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code; or*

The Project site is not listed on any list compiled pursuant to Section 65962.5 of the Government Code.<sup>16</sup> Therefore, the Project would have no impacts related to being located on a hazardous waste site.

6. *The project may cause a substantial adverse change in the significance of a historical resource.*

Bethune MS is over 45 years old, meeting LAUSD’s threshold for review as a potential historic resource and requiring evaluation for historic eligibility. However, LAUSD’s Historic Resource Specialist determined that Bethune MS is ineligible as a historic resource.<sup>17</sup> Research did not reveal any architectural significance or significant association between the Campus and the development of alternative educational approaches or any other historical events or personages significant to national, state, or local history. Therefore, the Project will not cause substantial adverse change in the significance of a historic resource.

Prepared By:

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Signed by:

Date:

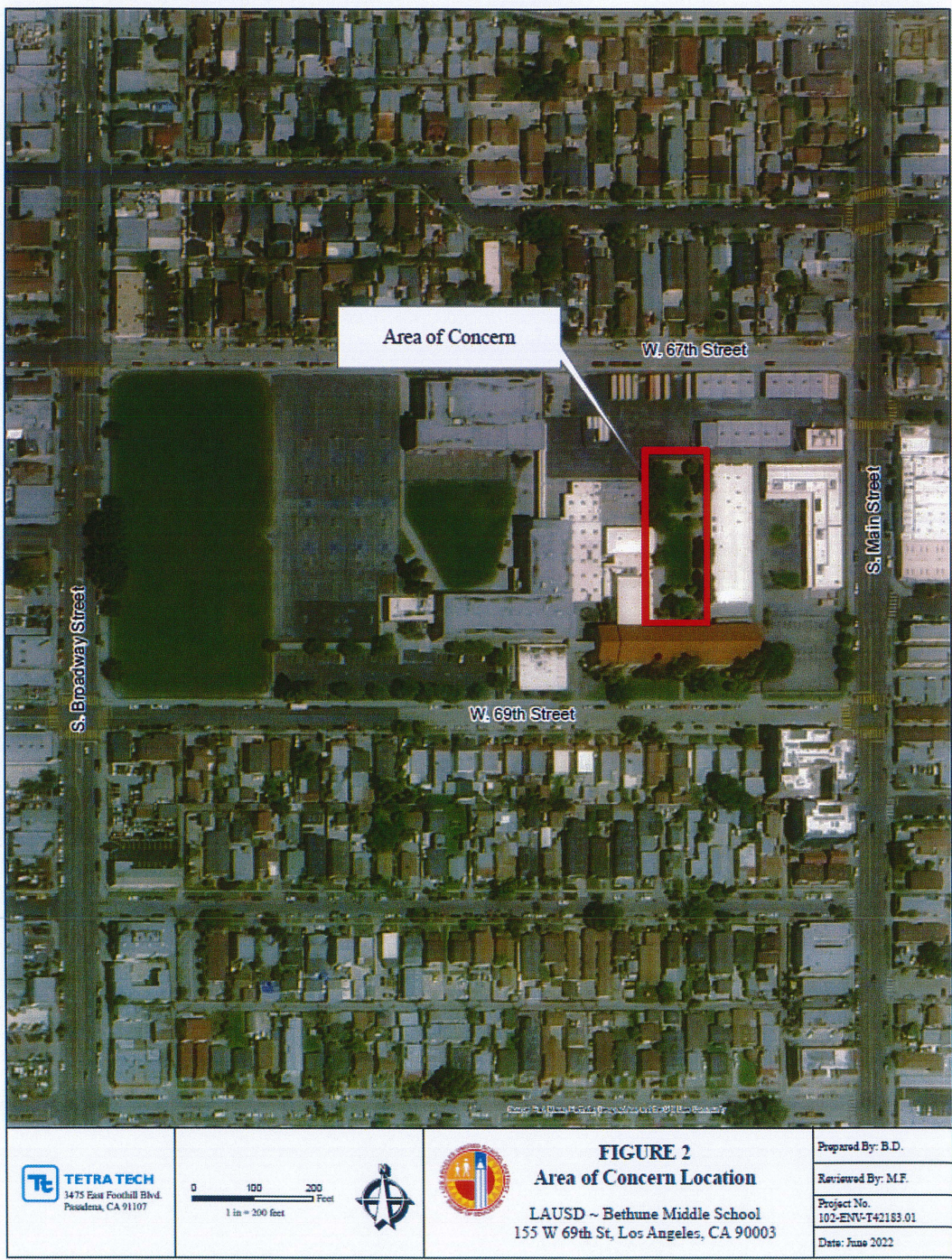
\_\_\_\_\_  
Carlos A. Torres,  
CEQA Officer of the Los Angeles Unified School District

<sup>16</sup> [http://www.dtsc.ca.gov/SiteCleanup/Cortese\\_List.cfm](http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm), accessed November 2023.

<sup>17</sup> LAUSD OEHS. 2023. LAUSD Historic Resource Inventory Database.

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 Dean C. Logan, Registrar - Recorder/County Clerk  
 Electronically signed by RICKENA MCCLAIN

Figure 1. Site Plan



Path: S:\Bethune MS\1466 Sampling\Figures\Figure 2 Area of Concern.mxd