



South Coast Air Quality Management District

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Final Environmental Impact Report (EIR) Addendum for Beverly Hills High School, Hawthorne K-8 School, and El Rodeo K-8 School Improvement Project (SCH No.: 2015021038) and Draft Remedial Action Plan (RAP) for Former Venoco Facility

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to provide comments on the above-mentioned documents. The Beverly Hills Unified School District (BHUSD) was the California Environmental Quality Act (CEQA) Lead Agency for the school modernization project at each campus (Approved Project)¹ and put forward a Draft EIR under the CEQA process for the Approved Project in October 2015. On December 17, 2015, the BHUSD certified a Final EIR.

Oil field activities were known to have been conducted at the Beverly Hills High School (BHHS) campus. At the time of the Final EIR, a portion of the BHHS was identified as the Venoco Facility. In early 2017, Venoco, Inc. filed for bankruptcy and ceased oil field activities. The BHUSD became the owner of wells and equipment associated with the Former Venoco Facility Site (Site). Because of the historical oil field activities, the Department of Toxic Substances Control (DTSC) has classified the Site as being located within a Methane Zone².

The Revised Project is the RAP for the Former Venoco Site at the BHHS campus. The proposed remediation includes construction of a soil cap by providing clean fill to raise the elevation of the Site to the level of the existing athletic field, installation of a soil cap and methane mitigation systems, long-term maintenance and monitoring of remedies, and recording of a land use covenant restricting sensitive uses of the Former Venoco Site such as residential and hospitals³. For soil capping, an estimated 17,800 cubic yards of soil, following analytical testing to demonstrate that the soil is contaminant free and suitable for reuse on-site, will be used to backfill (cap) the Former Venoco Site and to raise its elevation to that of the existing athletic field at the BHHS. The remaining 21,620 cubic yards of soil will be shipped off-site for disposal⁴.

¹ Final EIR. December 2015. Accessed at:

https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/4618946909/BHUSD%20Final%20EIR_121715_Part%201_TOC%20to%20Chpt%202.pdf.

² Final EIR Addendum. Page 1. Accessed at:

https://www.envirostor.dtsc.ca.gov/public/community_involvement/7690641105/Final%20BHHS%20EIR%20Addendum_3.4.22.pdf.

³ *Ibid.* Page 2.

⁴ *Ibid.* Pages 8 and 9.

The BHUSD evaluated the environmental effects of the Revised Project against the effects of the Approved Project and determined that the Revised Project would not result in substantial changes or new significant impacts to any environmental resources. Therefore, the BHUSD determined that the conclusions from the Final EIR for the Approved Project do not change as a result of implementing the Revised Project, and an addendum is the appropriate CEQA document under CEQA Guidelines Section 15164⁵. In March 2022, the BHUSD prepared an addendum to the Final EIR for the Revised Project. Based on the Community Update for the Draft RAP, DTSC is a CEQA Responsible Agency and will utilize the Final EIR Addendum to comply with CEQA requirements for the RAP.

South Coast AQMD Staff's Comments on the Final EIR Addendum and the Draft RAP

Based on a review of the Final EIR Addendum, supporting technical documents, and the Draft RAP, South Coast AQMD staff recommends revisions to the CEQA air quality impact analysis for regional construction and remediation impacts from haul truck trips in the Final EIR Addendum. Since the proposed remediation activities involve the installation and operation of methane mitigation systems, air permits under South Coast AQMD Rules 201 and 203 will be required. The Final EIR Addendum should identify South Coast AQMD as a CEQA Responsible Agency for the Revised Project. Specific requirements of South Coast AQMD Rules 1166, 1466, and 1403 should also be included in the Final EIR Addendum and the Final RAP.

CEQA Air Quality Analysis for Regional Construction/Remediation Impacts from Haul Truck Trip

The BHUSD calculated construction/remediation for the Approved Project in the Final EIR and found that the peak day NO_x emissions from construction/remediation activities after mitigation would remain significant and unavoidable while other criteria pollutants (e.g., VOC, CO, SO_x, PM₁₀, and PM_{2.5}) would be less than significant⁶. The BHUSD calculated construction/remediation emissions from implementing the proposed remedy at the BHHS campus in the Final EIR Addendum and found that the peak day NO_x emissions associated with the Draft RAP would be 98.4 pounds per day (lbs/day)⁷, which is slightly below South Coast AQMD's regional air quality CEQA significance threshold for construction at 100 lbs/day.

Based on the technical supporting documents, the BHUSD used the default one-way truck trip length of 20 miles to quantify the Revised Project's construction/remediation emissions from hauling materials and importing or exporting soil. Since the proposed remedy includes the transport of 21,620 cubic yards of contaminated soil off-site for disposal, and depending on the type of contamination, contaminated soil may need to be disposed at a permitted hazardous disposal facility outside Los Angeles County with a one-way truck trip length that is likely longer than 20 miles. Therefore, using the default one-way truck trip length of 20 miles may have underestimated the Revised Project's construction/remediation emissions. South Coast AQMD staff recommends that the BHUSD identify the permitted hazardous disposal facility that the Revised Project could use to dispose contaminated soil, disclose the information in the Final EIR Addendum, and re-calculate the Revised Project's construction/remediation emissions from

⁵ Final EIR Addendum. Page 3.

⁶ Final EIR. Table 1-1. Page 1-34. December 2015.

⁷ *Ibid.* Page 15.

haul truck trips for the transport and disposal of contaminated soil based on the appropriate one-way truck trip length. If construction/remediation emissions from haul truck trips for transporting contaminated soil are not re-calculated in the Final EIR Addendum, the BHUSD should provide reasons for not re-calculating them supported by substantial evidence in the record.

CEQA Responsible Agency

South Coast AQMD is a CEQA Responsible Agency for the Revised Project (CEQA Guidelines Section 15381) since installation and operation of methane mitigation systems require permits from South Coast AQMD. The Final EIR Addendum should identify South Coast AQMD as the CEQA Responsible Agency for the Revised Project. Complete and timely permit applications will be required under South Coast AQMD Rule 201 – Permit to Construct⁸ and Rule 203 – Permit to Operate⁹. It is important to note that the assumptions in the air quality analysis in the Final EIR and the Final EIR Addendum will be used as the basis for evaluating the permits under CEQA and imposing permit conditions and limits.

Requirements of South Coast AQMD Rules

The proposed remediation is located on or adjacent to a school (i.e., BHHS), and Envirostor¹⁰ lists several contaminants of concern that are subject to the requirements of South Coast AQMD Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants¹¹, as well as Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil¹². In addition to work practice, monitoring and signage requirements of Rule 1466, earth-moving activities at a site that is adjoining a school and or adjacent to an athletic field shall only be conducted outside of the hours between 7:30 a.m. and 4:30 p.m. on days when the school is in session. Please note, that if Rule 1466 is applicable, the operating hour prohibitions are contrary to what was presented in DTSC’s community meeting on March 23, 2022. Additionally, earth moving activities shall not occur when school sponsored activity or youth organized sports taking place at the adjacent athletic facilities. A Rule 1166 plan will be required, and a site specific plan may be needed due to the proximity to the school. The proposed remediation will be subject to the requirements of Rule 402 – Nuisance for any odors that may be created from the excavation, as well as Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities¹³ for any asbestos-containing materials that may be present due to the oil and gas installations. Soil movement operations will be required to comply with the requirements of Rule 403 – Fugitive Dust¹⁴.

⁸ South Coast AQMD Rule 201. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>.

⁹ South Coast AQMD Rule 203. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>.

¹⁰ Envirostor. Accessed at: https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=19820129.

¹¹ South Coast AQMD. Compliance. Rule 1466. Accessed at: <http://www.aqmd.gov/home/rules-compliance/compliance/rule-1466>.

¹² South Coast AQMD. Rule 1166. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

¹³ South Coast AQMD. Rule 1403. Accessed at: www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf.

¹⁴ South Coast AQMD. Rule 403. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

A methane mitigation system for the soil and the well cellar has been identified by DTSC as part of this project, however it is unclear what other compounds may be contained in those emissions captured by those proposed systems and if there will be associated air pollution control equipment. Based on the reported constituents reported thus far by DTSC (e.g., VOC, hydrogen sulfide), it is likely that South Coast AQMD permits will be required. Please note that Rule 1166 site specific plans and any other required permits must be obtained prior to commencement of the remediation activities. Due to the proximity of the school, a public notice and public comment period will also likely be required by South Coast AQMD rules. In the March 23rd community meeting, DTSC also identified that hydrogen sulfide is present in the soil in concentrations greater than applicable soil thresholds. In addition to considerations for the high odor nuisance potential, any emissions of hydrogen sulfide from remediation activities must comply with the State ambient air quality standards.

If you have any questions or wish to discuss the comments, please contact me at lsun@aqmd.gov. Questions on South Coast AQMD Rule 1466 can be directed to Rule1466@aqmd.gov.

Sincerely,

Lijin Sun

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Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

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