

# SPECIAL REQUIREMENTS UNDER STATE SCHOOL FACILITY PROGRAM

The State of California's standards for school site selection are in Title 5 of the California Code of Regulations, Section 14010. Additional regulations applicable to school facilities that are in the Education, Government, and Public Resources Codes. These criteria and requirements are addressed in other documents and are not within the purview of the California Environmental Quality Act. Generally, CEQA is limited to the assessment of a project's potential impacts on the environment and not the environment's impacts on a project. However, CEQA requires that no EIR or Negative Declaration be approved without making findings relative to certain health and safety factors in the lead agency's assessment of a new school site or addition to an existing school site. These are outlined in PRC Section 21151.8.

## **21151.8. SCHOOLSITE ACQUISITION OR CONSTRUCTION; APPROVAL OF ENVIRONMENTAL IMPACT REPORT OR NEGATIVE DECLARATION; CONDITIONS**

- (a) An environmental impact report shall not be certified or a negative declaration shall not be approved for a project involving the purchase of a school site or the construction of a new elementary or secondary school by a school district unless all of the following occur:
  - (1) The environmental impact report or negative declaration includes information that is needed to determine if the property proposed to be purchased, or to be constructed upon, is any of the following:
    - (A) The site of a current or former hazardous waste disposal site or solid waste disposal site and, if so, whether the wastes have been removed.
    - (B) A hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the Health and Safety Code for removal or remedial action pursuant to Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code.
    - (C) A site that contains one or more pipelines, situated underground or aboveground, that carries hazardous substances, extremely hazardous substances, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood, or other nearby schools.
    - (D) A site that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor.
  - (2)(A) The school district, as the lead agency, in preparing the environmental impact report or negative declaration has notified in writing and consulted with the administering agency in which the proposed school site is located, pursuant to Section 2735.3 of Title 19 of the California Code of Regulations, and with any air pollution control district or air quality management district having jurisdiction in the area, to identify both permitted and nonpermitted facilities within that district's authority, including, but not limited to, freeways and busy traffic corridors, large agricultural operations, and railyards, within one-fourth of a mile of the proposed school site, that might reasonably be anticipated to emit hazardous emissions or handle hazardous or extremely hazardous substances or waste. The notification by the school district, as the lead agency, shall include a list of the locations for which information is sought.
  - (B) Each administering agency, air pollution control district, or air quality management district receiving written notification from a lead agency to identify facilities pursuant to subparagraph (A) shall provide the requested information and provide a written

response to the lead agency within 30 days of receiving the notification. The environmental impact report or negative declaration shall be conclusively presumed to comply with subparagraph (A) as to the area of responsibility of an agency that does not respond within 30 days.

(C) If the school district, as a lead agency, has carried out the consultation required by subparagraph (A), the environmental impact report or the negative declaration shall be conclusively presumed to comply with subparagraph (A), notwithstanding any failure of the consultation to identify an existing facility or other pollution source specified in subparagraph (A).

(3) The governing board of the school district makes one of the following written findings:

(A) Consultation identified no facilities of this type or other significant pollution sources specified in paragraph (2).

(B) The facilities or other pollution sources specified in paragraph (2) exist, but one of the following conditions applies:

(i) The health risks from the facilities or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school.

(ii) Corrective measures required under an existing order by another agency having jurisdiction over the facilities or other pollution sources will, before the school is occupied, result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school. If the governing board makes a finding pursuant to this clause, it shall also make a subsequent finding, prior to occupancy of the school, that the emissions have been so mitigated.

(iii) For a school site with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, the governing board of the school district determines, through analysis pursuant to paragraph (2) of subdivision (b) of Section 44360 of the Health and Safety Code, based on appropriate air dispersion modeling, and after considering any potential mitigation measures, that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils.

(C) The facilities or other pollution sources specified in paragraph (2) exist, but conditions in clause (i), (ii) or (iii) of subparagraph (B) cannot be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet the requirements in subdivision (a) of Section 17213 of the Education Code. If the governing board makes this finding, the governing board shall adopt a statement of Overriding Considerations pursuant to Section 15093 of Title 14 of the California Code of Regulations.

These school-related air quality and hazard topics are additional to the CEQA checklist. The following matrix identifies the specific questions related to the required findings and where in the modified CEQA checklist these are addressed. The assessment may be used to make the written findings as required in PRC Section 21151.8(a)(3).

<b>SPECIAL CEQA REQUIREMENTS FOR A NEW SCHOOL SITE OR ADDITION TO EXISTING SCHOOL</b>	
Topic	Applicable Code
<b>Air Quality</b>	
Is the boundary of the proposed school site within 500 feet of the edge of the closest traffic lane of a freeway or busy traffic corridor? If yes, would the project create an air quality health risk due to the placement of the School?	PRC § 21151.8 (a)(1)(D)
Would the project create an air quality hazard due to the placement of a school within one-quarter mile of: (a) permitted and nonpermitted facilities identified by the jurisdictional air quality control board or air pollution control district; (b) freeways and other busy traffic corridors; (c) large agricultural operations; and/or (d) a rail yard, which might reasonably be anticipated to emit hazardous air emissions, or handle hazardous or acutely hazardous material, substances, or waste?	PRC § 21151.8 (a)(2)
<b>Hazards and Hazardous Materials</b>	
Does the proposed school site contain one or more pipelines, situated underground or aboveground, which carry hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood?	PRC § 21151.8 (a)(1)(C)
Does the project site contain a current or former hazardous waste disposal site or solid waste disposal site and, if so, have the wastes been removed?	PRC § 21151.8 (a)(1)(A)
Is the project site a hazardous substance release site identified by the state Department of Health Services in a current list adopted pursuant to §25356 for removal or remedial action pursuant to Chapter 6.8 of Division 20 of the Health and Safety Code?	PRC § 21151.8 (a)(1)(B)