

SS1.0: Code Compliance

Intent: To select sites that are safe and healthy environments for students and staff.

State laws and regulations for school siting and environmental impact studies were created to prevent schools from being constructed on sites containing pollutants known to be hazardous to student and staff health. A variety of factors, from hazardous materials in the soil to airborne pollutants from nearby sources are included in the site review process. At existing facilities, an assessment should be undertaken to determine if the facility is in “good repair” as defined by the California Office of Public School Construction (OPSC).

Requirement

Prerequisite	<p>SS1.0.P1 New Schools and a New Building on Existing Campus</p> <p>Comply with all siting and environmental impact study requirements of the California Department of Education School Facilities Planning Division as defined in Title 5, Division 1, Chapter 13 of the California Code of Regulations and Education Code sections 17213, 17213.1, 17213.2, 17268 & Public Resources Code section 21151.8 including:</p> <ul style="list-style-type: none">• The air pollution control district, or air quality management district or other agency having jurisdiction in the area must identify facilities within ¼ mile which might reasonably be anticipated to emit hazardous air emissions, or to handle hazardous or acutely hazardous material, substances or waste, and a determination is made that such facilities will not adversely affect the health of students, staff or teachers.• A risk assessment and implementation of appropriate mitigation measures, or the establishment of appropriate “buffer zones”, to ensure that the proposed school site would not expose school occupants to significant health or safety risks from rail lines, hazardous material pipelines, high power transmission lines, toxic air emissions or other sources of pollution. <p>Comply with California Education Code section 17213 and California Public Resources Code section 21151.8. These regulations require that school sites within 500 ft of a freeway or traffic corridor must, as part of the environmental impact report or negative declaration, determine through specified analyses that neither short-term nor long-term exposure to air pollutants poses significant health risks.</p> <p>SS1.0.P2 Major Modernizations</p> <p>Comply with all siting and environmental impact study requirements of the School Facilities Planning Division as defined in Title 5, Division 1, Chapter 13 of the California Code of Regulations and Education Code sections 17213, 17213.1, 17213.2, 17268 & Public Resources Code section 21151.8 including:</p> <ul style="list-style-type: none">• Department of Toxic Substance Control (DTSC), or equivalent, review for hazardous materials including industrial, agricultural, and naturally occurring pollutants such as asbestos and heavy metals. <p>Modernization projects shall complete the latest version of the FIT (Facility Inspection Tool) developed by the Office of Public School Construction (OPSC).</p>
--------------	---

Implementation

Verification is provided by the California Department of Education’s (CDE) School Facilities Planning Division (SFPD) and the Department of Toxic Substances Control (DTSC) when they evaluate the site.

The Education Code and Public Resources Code sections cited above require that schools conduct a health risk analyses of proposed school sites within 500 ft of a freeway or traffic corridor. This analysis must be done in accordance with Section 44360 of the Health & Safety Code, which requires using guidelines established by the Office of Environmental Health Hazard Assessment. If an analysis indicates significant health risks, the law requires the school district governing board to adopt a statement of Overriding Considerations for the environmental impact report if the school district moves forward with the proposed siting.

“A "Freeway or other busy traffic corridors" means those roadways that, on an average day, have traffic in excess of 50,000 vehicles in a rural area, as defined in Section 50101 of the Health and Safety Code, and 100,000 vehicles in an urban area, as defined in Section 50104.7 of the Health and Safety Code.” (Added by Stats. 2002, c. 668) Modernization projects shall provide a copy of the Facility Inspection Tool (FIT) spreadsheets, completed within six months of the start of the design phase of the project. The FIT may be undertaken by county education staff, district facility personnel, school staff, or project architect, but shall be reviewed by the project architect if prepared by others. The FIT should aid the design team and school district in understanding and identifying problem areas that should be addressed during the major modernization.

Applicability

This prerequisite applies to new schools (except FIT evaluation). For major modernizations and a new building on an existing campus, this prerequisite is required based on the scope of the project. For modernization projects that do not encompass an entire campus, the FIT evaluation shall be provided for each building, portion of building and/or campus area affected by the modernization.

The CHPS requirement regarding siting a school within 500 ft from a freeway or traffic corridor, applies to any project involving the purchase of a school site or the construction of a new elementary or secondary school by a school district.

For schools built without state funding to comply with this prerequisite, they must also engage the SFPD and the DTSC to review the site for compliance with the Title 5 requirements, in addition to following the education and public resource code requirements or use an equivalent process.

Resources

Air Resources Board (ARB) Air Quality and Land Use Handbook: www.arb.ca.gov/ch/handbook.pdf (School siting references are on pages 10, E-1, and E-2).

California Code sections referenced above can be found at: www.leginfo.ca.gov/calaw.html.

Office of Environmental Health Hazard Assessment risk assessment guidelines: www.oehha.ca.gov/air/hot_spots/HRAguidefinal.html.

The Title 5 requirements are documented at the California Code of Regulations website at: www.cde.ca.gov/ls/fa/sf/title5regs.asp.

OPSC, FIT – Facility Inspection Tool: General information: <http://www.opsc.dgs.ca.gov/Programs/SABPrograms/GRS.htm>

FIT Spreadsheet: http://www.documents.dgs.ca.gov/opsc/Forms/Worksheets/FIT_wrksht.xls

Sample School FIT: http://www.documents.dgs.ca.gov/opsc/Forms/Worksheets/FIT_Example.pdf

Coalition for Adequate School Housing FIT Guidebook: <http://www.cashnet.org/resource-material/FITGuidebook.pdf>