

AMENDED IN SENATE JUNE 25, 2001

AMENDED IN ASSEMBLY MAY 2, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1301

Introduced by Assembly Member Goldberg

February 23, 2001

An act relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1301, as amended, Goldberg. School facilities: site contamination: *Belmont Learning Complex*.

Existing

(1) *Existing* law prohibits the governing board of a school district from approving a project involving the acquisition of a schoolsite or the construction of a school by the school district unless specified actions are taken with regard to potential contamination of the site, including a determination by the lead agency, as defined, that the property purchased or to be built upon is not the site of a current or former hazardous waste disposal site or solid waste disposal site, or a hazardous substance release site.

~~This bill would require the Department of Toxic Substances Control, by March 1, 2002, to complete and submit a report to the Legislature that updates the progress being made to fully characterize the hazardous risks and to develop and recommend options for response action that would be necessary to facilitate the completion and opening of the Belmont Learning Center.~~



~~The bill would require the department, by March 1, 2002, to assure that a remedial investigation health risk assessment feasibility study has been completed so that specific recommendations can be made on an appropriate remedial action plan for the Belmont Learning Center. The bill would require the department to provide the Los Angeles Unified School District with an estimate of the oversight and contract costs to do the study for the Belmont Learning Center, with the identification of a preferred remedial alternative. The bill would require the district to enter into an environmental oversight agreement with the department and to pay the department in advance for the estimated oversight and contract costs in accordance with the department's cost estimate.~~

~~The bill would authorize the district, instead of contracting with the department to do the study, to contract with an appropriate entity to carry out the study under the supervision of the department within specified time limitations: *Los Angeles Unified School District, by January 1, 2003, to prepare a remedial investigation and feasibility study for the Belmont Learning Complex site and to submit the study to the Department of Toxic Substances Control for review and a determination whether the study is complete and meets the requirements of the Carpenter-Presley-Tanner Hazardous Substances Account Act. The bill would require the district to reimburse the department for oversight costs incurred by the department and to post the study on its Internet website. The bill would impose a state-mandated local program by imposing new duties on a school district.*~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.



The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares as follows:

2 (a) Construction of new schools is of the utmost priority and
3 importance, particularly in overcrowded school districts. New
4 facilities will help decrease the number of pupils who must be
5 bussed out of their home districts, ease crowded classrooms, and
6 decrease the number of multitrack, year-round schools.

7 (b) Belmont Learning Center, located in the City of Los
8 Angeles, has been near completion for two years. Yet, this
9 desperately needed facility, located in a district that busses
10 thousands of pupils out of the area every day, cannot open due to
11 political and environmental controversies. It is the intent of the
12 Legislature to clarify and ameliorate these concerns.

13 ~~SEC. 2. (a) On or before March 1, 2002, the Department of~~
14 ~~Toxic Substances Control shall complete and submit a report to the~~
15 ~~Legislature that updates the progress being made to fully~~
16 ~~characterize the hazardous risks and to develop and recommend~~
17 ~~options for response action that would be necessary to facilitate the~~
18 ~~completion and opening of the Belmont Learning Center.~~

19 ~~(b) On or before March 1, 2002, the department shall assure~~
20 ~~that a remedial investigation health risk assessment feasibility~~
21 ~~study has been completed so that specific recommendations can be~~
22 ~~made on an appropriate remedial action plan for the Belmont~~
23 ~~Learning Center.~~

24 ~~(1) The department shall provide the district with an estimate~~
25 ~~of the oversight and contract costs to do the study for the Belmont~~
26 ~~Learning Center with the identification of a preferred remedial~~
27 ~~alternative. The department shall prepare this estimate in~~
28 ~~accordance with Chapter 6.66 (commencing with Section 25269)~~
29 ~~of Division 20 of the Health and Safety Code. The district shall~~
30 ~~enter into an environmental oversight agreement with the~~
31 ~~department and shall pay the department in advance for the~~
32 ~~estimated oversight and contract costs in accordance with the~~
33 ~~department's cost estimate.~~

34 ~~(2) Instead of contracting with the department to do the study,~~
35 ~~the district may contract with an appropriate entity to carry out the~~
36 ~~study under the supervision of the department. The district shall~~
37 ~~meet any time limitation required by this section if it contracts for~~
38 ~~the study.~~



1 ~~(e)~~

2 SEC. 2. (a) As used in this section, the following terms have
3 the following meanings:

4 (1) "Department" means the Department of Toxic Substances
5 Control.

6 (2) "District" means the Los Angeles Unified School District.

7 (3) "Remedial investigation feasibility study" means a
8 remedial investigation, as defined in Section 25322.2 of the Health
9 and Safety Code, and a feasibility study, as defined in Section
10 25314 of the Health and Safety Code, in accordance with Chapter
11 6.8 (commencing with Section 25300) of Division 20 of the Health
12 and Safety Code.

13 (b) On or before January 1, 2003, the district shall do both of
14 the following:

15 (1) Prepare a remedial investigation and feasibility study for
16 the Belmont Learning Complex site located at the corner of
17 Beaudry Avenue and First Street in the City of Los Angeles.

18 (2) Submit the study to the department for review and obtain the
19 department's determination whether the remedial investigation
20 and feasibility study is complete and meets all applicable
21 requirements of Chapter 6.8 (commencing with Section 25300) of
22 Division 20 of the Health and Safety Code.

23 (c) The district may contract with an entity approved by the
24 department to prepare the remedial investigation and feasibility
25 study required by subdivision (b).

26 (d) The district shall reimburse the department for any
27 oversight costs incurred by the department pursuant to this
28 section. In determining these costs, the department shall comply
29 with the applicable requirements of Chapter 6.66 (commencing
30 with Section 25269) of Division 20 of the Health and Safety Code.
31 On and after January 2, 2003, the district shall also make the
32 remedial investigation and feasibility study available to the public
33 by posting the study on its Internet website.

34 SEC. 3. Notwithstanding Section 17610 of the Government
35 Code, if the Commission on State Mandates determines that this
36 act contains costs mandated by the state, reimbursement to local
37 agencies and school districts for those costs shall be made
38 pursuant to Part 7 (commencing with Section 17500) of Division
39 4 of Title 2 of the Government Code. If the statewide cost of the
40 claim for reimbursement does not exceed one million dollars



1 (\$1,000,000), reimbursement shall be made from the State
2 Mandates Claims Fund.

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