

**Introduced by Senator Huff**

February 4, 2010

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An act to amend Section 17210 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 955, as introduced, Huff. School facilities: schoolsites.

Existing law sets forth various definitions for purposes of certain provisions of existing law dealing with the acquisition of schoolsites.

This bill would make technical, nonsubstantive changes to those definition provisions.

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

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

1 SECTION 1. Section 17210 of the Education Code is amended  
2 to read:  
3 17210. As used in this article, the following terms have the  
4 following meanings:  
5 (a) "Administering agency" means any agency designated  
6 pursuant to Section 25502 of the Health and Safety Code.  
7 (b) "Environmental assessor" means a class II environmental  
8 assessor registered by the Office of Environmental Health Hazard  
9 Assessment pursuant to Chapter 6.98 (commencing with Section  
10 25570) of Division 20 of the Health and Safety Code, a professional  
11 engineer registered in this state, a geologist registered in this state,  
12 a certified engineering geologist registered in this state, or a  
13 licensed hazardous substance contractor certified pursuant to

1 Chapter 9 (commencing with Section 7000) of Division 3 of the  
2 Business and Professions Code. A licensed hazardous substance  
3 contractor shall hold the equivalent of a degree from an accredited  
4 public or private college or university or from a private  
5 postsecondary educational institution approved by the Bureau for  
6 Private Postsecondary and Vocational Education with at least 60  
7 units in environmental, biological, chemical, physical, or soil  
8 science; engineering; geology; environmental or public health; or  
9 a directly related science field. In addition, ~~any~~ a person who  
10 conducts phase I environmental assessments shall have at least  
11 two years' experience in the preparation of those assessments and  
12 ~~any~~ a person who conducts a preliminary endangerment assessment  
13 shall have at least three years' experience in conducting those  
14 assessments.

15 (c) "Handle" has the meaning the term is given in Article 1  
16 (commencing with Section 25500) of Chapter 6.95 of Division 20  
17 of the Health and Safety Code.

18 (d) "Hazardous air emissions" means emissions into the ambient  
19 air of air contaminants that have been identified as a toxic air  
20 contaminant by the State Air Resources Board or by the air  
21 pollution control officer for the jurisdiction in which the project  
22 is located. As determined by the air pollution control officer,  
23 hazardous air emissions also means emissions into the ambient air  
24 from any substance identified in subdivisions (a) to (f), inclusive,  
25 of Section 44321 of the Health and Safety Code.

26 (e) "Hazardous material" has the meaning the term is given in  
27 subdivision (d) of Section 25260 of the Health and Safety Code.

28 (f) "Operation and maintenance," "removal action work plan,"  
29 "respond," "response," "response action," and "site" have the  
30 meanings those terms are given in Article 2 (commencing with  
31 Section 25310) of ~~the state act~~ *Chapter 6.8 of Division 20 of the*  
32 *Health and Safety Code.*

33 (g) "Phase I environmental assessment" means a preliminary  
34 assessment of a property to determine whether there has been or  
35 may have been a release of a hazardous material, or whether a  
36 naturally occurring hazardous material is present, based on  
37 reasonably available information about the property and the area  
38 in its vicinity. A phase I environmental assessment may include,  
39 but is not limited to, a review of public and private records of  
40 current and historical land uses, prior releases of a hazardous

1 material, data base searches, review of relevant files of federal,  
2 state, and local agencies, visual and other surveys of the property,  
3 review of historical aerial photographs of the property and the area  
4 in its vicinity, interviews with current and previous owners and  
5 operators, and review of regulatory correspondence and  
6 environmental reports. Sampling or testing is not required as part  
7 of the phase I environmental assessment. A phase I environmental  
8 assessment conducted pursuant to the requirements adopted by the  
9 American Society for Testing and Materials for due diligence for  
10 commercial real estate transactions and that includes a review of  
11 all reasonably available records and data bases regarding current  
12 and prior gas or oil wells and naturally occurring hazardous  
13 materials located on the site or located where they could potentially  
14 effect the site, satisfies the requirements of this article for  
15 conducting a phase I environmental assessment unless and until  
16 the Department of Toxic Substances Control adopts final  
17 regulations that establish guidelines for a phase I environmental  
18 assessment for purposes of schoolsites that impose different  
19 requirements from those imposed by the American Society for  
20 Testing and Materials.

21 (h) “Preliminary endangerment assessment” means an activity  
22 that is performed to determine whether current or past hazardous  
23 material management practices or waste management practices  
24 have resulted in a release or threatened release of hazardous  
25 materials, or whether naturally occurring hazardous materials are  
26 present, which pose a threat to ~~children’s~~ *the health of children,*  
27 ~~children’s~~ *the learning abilities of children,* public health, or the  
28 environment. A preliminary endangerment assessment requires  
29 sampling and analysis of a site, a preliminary determination of the  
30 type and extent of hazardous material contamination of the site,  
31 and a preliminary evaluation of the risks that the hazardous material  
32 contamination of a site may pose to ~~children’s~~ *the health of*  
33 *children,* public health, or the environment, and shall be conducted  
34 in a manner that complies with the guidelines published by the  
35 Department of Toxic Substances Control entitled “Preliminary  
36 Endangerment Assessment: Guidance Manual,” including any  
37 amendments that are determined by the Department of Toxic  
38 Substances Control to be appropriate to address issues that are  
39 unique to schoolsites.

- 1 (i) “Proposed schoolsite” means real property acquired or to be  
2 acquired or proposed for use as a schoolsite, prior to its occupancy  
3 as a school.
- 4 (j) “Regulated substance” means any material defined in  
5 subdivision (g) of Section 25532 of the Health and Safety Code.
- 6 (k) “Release” has the same meaning the term is given in Article  
7 2 (commencing with Section 25310) of Chapter 6.8 of Division  
8 20 of the Health and Safety Code, and includes a release described  
9 in subdivision (d) of Section 25321 of the Health and Safety Code.
- 10 (l) “Remedial action plan” means a plan approved by the  
11 Department of Toxic Substances Control pursuant to Section  
12 25356.1 of the Health and Safety Code.
- 13 (m) “State act” means the Carpenter-Presley-Tanner Hazardous  
14 Substance Account Act (Chapter 6.8 (commencing with Section  
15 25300) of Division 20 of the Health and Safety Code).