



SANTA MONICA - MALIBU UNIFIED SCHOOL DISTRICT

December 18, 2018

## **Measure M Update: Court Order and Decision for Motion to Remove PCBs at Malibu High School**

Dear parents and staff,

The district was diligently working toward complying with the court order when community members expressed interest in using the school bond (should Measure M pass) dedicated explicitly towards building a new Malibu middle and high school, which would address the PCB issues of the campus by removing them instead of remediating as originally planned. Community members included the Facilities Advisory Committee, Malibu (FDAC-M) and Superintendent's advisory committee for the bond and ultimately the entire school board.

As the plan was conceived, a few points became clear:

- 1) we should stop spending money renovating buildings we will tear down
- 2) we should start planning the new campus
- 3) we will need to ask the court for an extension to get this done

Everyone seemed to be in agreement when the Board of Education met in May. District staff thought they had made the consequences of this decision clear, though it seems the timeline was not clearly understood by the community. Starting in May, we moved forward with the passage of Measure M, hired architects to master plan the new schools, and began preparing to return to the court right after the election to request an extension. We knew it would take years to plan, design and construct new buildings that would replace the old buildings with PCB-impacted materials.

I along with district staff are committed to a process, which will move students out of buildings with PCB-impacted materials at every opportunity, provided it doesn't negatively impact their education. We are looking at all options, including remediation of some spaces, use of Cabrillo Elementary, and discontinuing use of others. We want to move forward to recreate Malibu Middle and High Schools with facilities where students feel safe, and which support learning and represent the unique Malibu community.

Below are the details that led to where we are and where we are going.

In Spring 2018 SMMUSD began to consider placing two bonds on the November 2018 ballot, one for work exclusively in Santa Monica and another for work exclusively in Malibu, by creating two separate School Facility Improvement Districts, which would require that money from Malibu could only be used in Malibu. At about this time, I along with facilities staff began discussing the potential bond measures with various groups. While discussing it with the Malibu Facilities District Advisory Committee (FDAC-M), the committee suggested that the district should suspend all remediation (court ordered) work and if the bond were to pass, rebuild the campus rather than abate the existing buildings. The committee's expressed desire was to prevent spending further bond money on buildings that would be torn down during construction of the



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reimagined campus. In order to accomplish that desire, it is necessary to request that the court extend the timeline of the court order.

Facilities staff explained the process to the FDAC-M in April 2018 and to the Board in May 2018. The process that must be followed is that the district would first need to hire a master-plan architect to develop the concept of a new campus. This will include programming, massing, and layout, a process that typically involves multiple sets of meetings with community members, teachers, administration and other stakeholders and which takes a little longer than a year, and should be completed in Fall or Winter of 2019. Then the district would hire a design architect to develop the construction drawings for the first phase of construction, which will include meetings with site staff and teachers and should take around 16 months, including procurement of architectural services, with a planned completion date of spring 2021. Following design, the district would need to submit the project to the Division of the State Architect for plan review and permitting, a process that typically takes nine months to a year, which should result in permitted project in around spring 2022. After permitting, along with other entitlements like compliance with the California Environmental Quality Act as well as receipt of a Coastal Development Permit from Malibu, the district could then hire a contractor to construct the first phase, which is anticipated to occur in spring or summer 2022. Construction of Phase I is likely to take around two and a half years, depending on the final scope, around the end of 2024, but it is too early in the process to precisely estimate the timeline. At the conclusion of Phase I, it is anticipated that the buildings that are subject to the court order will be demolished.

The district's goal, following the lead of the FDAC-M, is to try to eliminate the presence of PCBs at the MHS campus, while continuing to educate students and simultaneously addressing parent and teacher concerns, rather than just remediate the PCBs that have been found around doors and windows with concentrations higher than 50 parts per million, which is what is required by the court order. Ultimately, this means removing and replacing buildings, rather than remediating doors and windows and continuing to use the existing buildings, as was the previous plan.

In order to develop a plan that would increase health-protective measures and reduce the likelihood of exposure to materials containing PCBs, the district began meeting with America Unites in early summer 2018. After some discussion, the district agreed to implement certain additional interim safeguard measures with the goal of continuing to use the buildings until other spaces are created that would allow the district to stop using the spaces that are subject to the court order. The intent of these discussions was to develop a plan that would support a request to the court to extend the timeline to comply with the court order, so that the district could design and build the first phase of the new campus without continuing to spend money on buildings that are destined to be demolished in short order.

Based on those discussions with America Unites, SMMUSD understood that the parties were aligned in SMMUSD's plan to pursue the following PCB interim safeguard measures until the



SANTA MONICA - MALIBU UNIFIED SCHOOL DISTRICT facilities containing PCBs are abated, demolished, or removed from use. While the district maintains that the facilities meet EPA standards for occupancy in their current condition, these measures are being taken to reduce school and community concerns. Implementation of these measures is not an indication that these actions are needed to maintain safe facilities. All actions will follow USEPA guidelines.

1. *Caulking over Caulk*

SMMUSD will place a different color of caulk over visible caulking around windows, doors and vents with known or assumed levels of PCBs over 50 ppm. This work will be completed by Maintenance staff.

2. *Shellac Paneling*

SMMUSD will apply a layer of paint on the shellac plywood in the Special Education/Shops building (G). This will require an outside contractor.

3. *Repair Tiles*

SMMUSD will have Maintenance staff inspect the flooring in all rooms with known or assumed flooring having PCBs over 50 ppm. If broken or missing tiles are discovered, they will be repaired or the tile in that section will be replaced. This work will be completed by Maintenance staff.

4. *Air testing*

SMMUSD will reduce the detection level of all air samples using the EPA established method to 15 ng/m<sup>3</sup>. The actionable level will remain at 200 ng/m<sup>3</sup>. SMMUSD will increase testing frequency in all high use rooms.

5. *Dust/ wipe testing on porous surfaces*

SMMUSD will perform dust/wipe samples on porous surfaces in all high use rooms with known or assumed PCBs over 50 ppm. This work will be conducted at least 1 time per year at 3-4 separate intervals. SMMUSD will increase testing frequency in all high use rooms.

6. *Best Management Practices cleaning (BMPs)*

SMMUSD commits to continuing BMP cleaning.

Upon passage of Measure M, the District filed its planned motion with the court requesting the extension. The district again engaged with America Unites and has agreed to the following implementation plan in order to reduce the staff and student usage of the spaces covered by the court order:

1. Upon occupancy of Building E, the District will expeditiously move 12 classes out of Building D. This does not necessarily mean moving classes directly from D to E, it may involve moving classes from portables or another building to E and moving classes from



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D into the then-emptied buildings spaces confirmed not to contain windows and doors with PCB concentrations  $\geq 50$  ppm. If Building E occupancy does not occur prior to Dec 31, 2020 students will be moved from Building D to another building confirmed not to contain windows and doors with PCB concentrations  $\geq 50$  ppm.

2. Upon moving Cabrillo classes to Point Dume as part of the Malibu Realignment Plan, the District will expeditiously make whatever modifications are necessary to the Cabrillo Campus and will then move the remaining Building D classes, including science lecture classes, as well as the Teachers' Lounge, out of Building D. The District will move into the spaces at Cabrillo at appropriate times as they become available, which may mean that some classes are moved earlier into spaces that need little or no modification and some will take additional time. This does not necessarily mean moving all remaining classes from D to Cabrillo. It may involve moving classes from portables or another building to Cabrillo and moving classes from D to the then-emptied building spaces confirmed not to contain windows and doors with PCB concentrations  $\geq 50$  ppm. Lab spaces in Building D will continue to be used on an intermittent basis by the science classes. This is dependent on agreement by the science department and the MMHS Principal to use separate lecture and lab spaces.
3. Upon occupancy of the new Library/Administration Building, move the science lab classes out of Building D and into the new Building. Upon completion of this milestone, Building D should be vacant, and would only be used if necessary in the future for science labs if the Malibu Campus Plan dictates removal of Building K (which houses existing science labs), but not Building D, in Phase 1. In addition, if necessary for fixture count requirements, the recently renovated and abated restrooms in Building D may continue to be used.
4. Because much of the abatement and removal has been completed in Building G, it may continue to be used until the Malibu Campus Plan has been implemented to the extent the spaces in G have been replicated or until suitable spaces have been identified at Cabrillo or elsewhere on campus. Where feasible, the District will identify alternative spaces for the uses in Building G.
5. Though Buildings J (old gym) and H (theater) will not be in compliance with the court order, both involve only sporadic use and may continue to be used until the Malibu Campus Plan has been implemented to the extent that the spaces in J and H have been replicated or an alternative solution is developed. Teachers housed in Building J will be offered alternate office space, which has already been provided by the District and is being used by one teacher formerly housed in Building J.



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6. The District will complete the planned abatement and renovation work in Buildings F and I, as well as throughout the Cabrillo campus. As such, no further action is necessary to continue their use indefinitely.

The district is in the beginning stages of forming a Malibu High School / Malibu Middle School Master Facilities Plan. Parents, staff and community members will be engaged in this process.

The health and safety of our students and staff are our top priorities. Our plans have been public and transparent and we would not have moved forward with this motion if we did not have support of staff, parents and community members during discussions that began in the spring.

We are ready to move forward with the court's decision.

Thank you,

Sincerely,

Dr. Ben Drati, Superintendent