



Santa Monica Malibu Schools

January 6, 2014

Dear Mr. Ruch and Ms. Dinerstein:

I am writing in response to your letters of November 25, 2013, and January 2, 2014, regarding the on-going environmental investigation of Malibu Middle and High School and Juan Cabrillo Elementary School. My apologies for not responding to your November letter earlier. With the holidays and the significant time investment in the investigation and other school matters, I have had little time to respond to various correspondence in this topic and others.

Initially, I would like to thank you for your correspondence. While the Santa Monica-Malibu Unified School District does not agree with all of the statements made in your letters, we appreciate your interest in the health and welfare of the District's staff and teachers and share your desire for a thorough environmental investigation of the Malibu schools. The District is currently initiating a new phase of investigation designed to evaluate for potential human health hazards at the schools. That investigation, while not limited to the soil sampling largely discussed in your letters, will include a thorough, site-wide environmental assessment of indoor and outdoor hazards, including a further soil investigation to address concerns. Once the District's Request for Qualifications process results in the retention of an environmental engineering firm to lead the investigation, the District will be able to provide staff, teachers and concerned parents with a very detailed, government-approved road map to address their health risk concerns.

In addition, I would like to briefly respond to a few of the questions raised in your November 25 letter. Initially, you imply that the U.S. Environmental Protection Agency is the sole agency that will oversee the PCB-related investigation at Malibu. That is incorrect. The EPA's role is limited to oversight of the investigation and abatement of PCB-containing materials with concentrations of 50 PPM or higher. This is a small portion of the work to be performed. The far more expansive environmental investigation of the entire campus will be overseen by the California Department of Toxic Substances Control. California's DTSC has a specific division that is dedicated to the environmental investigation of school sites and further ensuring that these sites present no risk to the health of students, teachers and staff. With over 2,000 sites under their jurisdiction, the District is comfortable that DTSC will assist in guiding a thorough, and transparent, evaluation of the Malibu campus.

Much of your letter addresses the prior Preliminary Environmental Assessment Report and, to a certain extent, the Removal Action Completion Report, prepared by Arcadis in 2010 and 2012. The District acknowledges that Arcadis' PEA identified potential areas of concern at the site that were not the subject of investigation in conjunction with the pending redevelopment project at Malibu High School. However, please be assured that the firms presenting their qualifications for the next phase of work were directed to these reports with the anticipation that the PEA's findings will serve as a jumping off point for the next round of outdoor, and indoor, investigation. The District further notes that the PEA and Removal Action Report were provided to the DTSC for a peer review. The DTSC has publicly stated that Arcadis' work adhered to their protocols for a school investigation. While not disputing the potential intrinsic dangers of the contaminants identified on site, DTSC further noted that the levels of contaminants, including

Santa Monica-Malibu Unified School District

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Sandra Lyon, Superintendent

PCBs, detected in soils did not necessarily present sufficient risk to outdoor activities as to necessitate their removal. In this regard, the government noted that the soil removal activities undertaken by the District were more aggressive, and more protective of student/staff/teacher health, than typically would be required of other California schools.

We share your commitment to transparency, and would like to point out a few critical activities that may not have been brought to your attention:

Community Task Force – In October, I initiated a task force with representatives from staff, parents and administration to help ensure that we continued to collect community concerns and to address questions as they arise.

Regular Updates – In November, I began to provide updates on progress and next steps to the entire community, both employees and parents.

Public Agencies – We have arranged for representatives from the EPA, DTSC and Public Health to meet with employees and the Task Force to take questions and address the preliminary data.

Board of Education Study Session – While there are clear legal questions on this topic, we did not hide behind the cloak of Closed Session. Rather, the Board of Education engaged in a Study Session to receive a review of data to date and to listen to the EPA and DTSC perspectives; to allow me to take questions from the Board in public; for the experts to take questions from the public; and to allow me to make recommendations for next steps.

Trust – Trust demands confidence in the accuracy of information. To help address this point, and to deliver my commitment to ask the right questions of the right experts, we intend to secure an environmental engineering firm to outline next steps for testing, implement the tests and provide to the full school community the findings and any necessary remediation/action.

Access – Going forward and with the approval of the EPA and DTSC, it is our full intention that all information generated by the investigation will be disclosed to all concerned parties. While we cannot promise instantaneous disclosure of all test data as it is transcribed by the laboratory, both the raw data and engineering analysis will be made available after quality assurance/quality control assessment by the agencies is completed and the information is approved for use. We have a webpage on our district website where all new and pertinent material has been posted and which will continue to be updated.

In response to your request for additional information regarding the further investigation, and as mentioned above, please be informed that the District will retain a new engineering consultant in mid- January. Thereafter, the District, agencies, and consultant will meet to discuss the anticipated scope of work. EPA and DTSC have committed to expedited review and acceptance of all plans and planning documentation. The District anticipates submission of a further investigation plan and initiation of that plan in January/February of 2014. We cannot state at this time when preliminary results will be available.

While I acknowledge the points raised in your January 2 letter, I must state that I generally disagree with your accusations and factual statements regarding the Winter break cleaning and path forward. The District is working closely with the appropriate lead agencies on the scope of future investigation. Between our staff, new engineering firm and the lead agencies, we feel

confident we will be able to address, and resolve, the concerns of the teachers, staff and parents.

Thank you for your continued interest in our District.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Lyon", with a long horizontal flourish extending to the right.

Sandra Lyon

CC:

Jared Blumenfeld, EPA Region IX Administrator

Patrick Wilson, Region IX, EPA

Steve Armann, Region IX, EPA

Mathy Stanislaus, Assistant Administrator, Office of Solid Waste and Emergency Response,
U.S. EPA

Deborah Raphael, Director, California Department of Toxic Substance Control

Senator Barbara Boxer

Congressman Henry Waxman

State Senator Fran Pavley

SMMUSD Board of Education