PEER
Public Employees for Environmental Responsibility
2000 P Street, NW • Suite 240 • Washington, D.C. 20036 • 202-265-PEER(7337) • fax: 202-265-4192
e-mail: info@peer.org • website: www.peer.org

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Carol Serlin
Douglas Daugherty
Eric Wood
ENVIRON International Corporation

Sandra Lyon, Superintendent of Schools
Santa Monica-Malibu Unified School District (SMMUSD)
Janece Maez, SMMUSD

Members of the SMMUSD Board of Education:
Ben Allen
Oscar de la Torre
Jose Escarce
Maria Leon-Vasquez
Laurie Lieberman
Ralph Mechur
Nimish Patel

Steven S. Armann,
Patrick Wilson,
Tom Huetteman
US EPA Region IX

By email

Re: Environ Draft Comprehensive PCB-Related Building Materials Inspection, Management and Removal Plan for the Santa Monica-Malibu Unified School District (Draft Plan)

Dear officials of ENVIRON International Corporation, the Santa Monica-Malibu United School District and U.S. Environmental Protection Agency, Region IX:

As concerned teachers, staff, parents, community members, scientists, public figures and environmental groups represented by the Concerned Malibu/Cabrillo Teachers and Malibu Unites, it is with considerable dismay and alarm that we submit comments on ENVIRON's Draft Plan concerning PCBs in the SMMUSD. For several months, we have been promised a plan to implement the requirements set forth by EPA Region IX

and the commitments by the SMMUSD for a comprehensive testing and remediation plan. Instead, we are faced with a boilerplate Draft Plan which is based on little if any actual investigation of our schools sites and is wholly inadequate to comply with the requirements of federal law or to protect the health and safety of our teachers and students. The Draft Plan provides for no testing or removal of potentially PCB-containing materials, even those already found to contain PCBs above regulatory limits, unless and until there are renovations or demolitions of the buildings in question. At present there are plans with completely unknown timetables to demolish one building and to renovate one building, and no such plans for any other buildings on the three school campus. Thus, PCB testing and removal is relegated to an unknown time in the distant future, if ever. In the meantime, the Draft Plan proposes Best Management Practices which amount to no more than ordinary cleaning, are unproven scientifically to reduce PCB exposure adequately to ensure health and safety, and which are to be implemented by untrained staff.

We attach two sets of comments. One contains general comments from the Concerned Malibu/Cabrillo Teachers, and the other contains detailed technical comments from experts retained by Malibu Unites, Mr. Kurt Fehling of the Fehling Group and Paul Black, PhD of Neptune and Co. Each of these experts has extensive experience in conducting human health risk assessments for occupational and residential populations exposed to contaminated soil, air, or groundwater. Based on their experience, the experts have concluded that the Draft Plan does not adhere to basic environmental investigation principals and regulations of the USEPA and CalEPA. Based on the multiple inadequacies of the Plan, the experts conclude that it is not designed to protect the health of students and staff.

We ask that all of you review the attached comments. We ask EPA to reject this Draft Plan and demand a plan that is consistent with legal requirements under the Toxic Substances Control Act and its implementing regulations as well as EPA requirements for the plan set out in communication to the SMMUSD in November 2013. We also ask the District not to accept any plan that does not fully protect the health of our school community to the standards acceptable to the community, even above and beyond any legal requirements.

Sincerely,

Jeff Ruch, Executive Director

Paula Dinerstein

Paula Dinerstein, Senior Counsel
Public Employees for Environmental Responsibility

On behalf of the Concerned Malibu/Cabrillo Teachers and Malibu Unites

cc: Jared Blumenfeld, EPA Region IX Administrator
Mathy Stanislaus, Assistant Administrator, Office of Solid Waste and Emergency Response, U.S. EPA
Barry Breen, Deputy Assistant Administrator -OSWER
Deborah Raphael, Director, California Department of Toxic Substances Control
Senator Barbara Boxer
Congressman Henry Waxman
State Senator Fran Pavley
State Assemblyman Richard Bloom
Zev Yaroslavsky, LA County Supervisor (3rd District)