



**CALIFORNIA DEPARTMENT OF EDUCATION  
SCHOOL FACILITIES PLANNING DIVISION**

SFPD 4.14 (Rev.06/16)

**LOCAL EDUCATIONAL AGENCY AND DEPARTMENT OF TOXIC SUBSTANCES CONTROL COMMITMENT TO COMPLETE LEAD-BASED PAINT AND/OR POLYCHLORINATED BIPHENYLS AND/OR ORGANOCHLORINE TERMITICIDES INVESTIGATION AND RELATED RESPONSE ACTION**

County	Project Tracking Number
Local Educational Agency	Project Identification

**Local Educational Agency Completion**

The above named local educational agency (LEA) requests a California Department of Education (CDE) final site approval and/or final plan approval for the above named project prior to completion of further investigation and/or response action for lead-based paint and/or polychlorinated biphenyls (PCBs) and/or organochlorine pesticides (OCPs) from termiticide application.

The LEA commits to complete, prior to commencing grading of the affected areas of the site, all further investigation, and response action if determined necessary by the Department of Toxic Substances Control (DTSC), for lead-based paint and/or PCBs and/or OCPs as specified and overseen by the DTSC and/or as required by other applicable laws, and to immediately notify the DTSC, the Office of Public School Construction, and the CDE should the LEA be unwilling or unable to do so. The LEA also commits to enter into a subsequent Environmental Oversight Agreement and/or Clean Up Agreement as determined necessary by the DTSC for this site and to submit an investigation and response schedule to DTSC with updates as required.

The LEA acknowledges that this request and subsequent approvals may result in a funding apportionment based upon costs known at the time of this project application, and that any related additional costs may be the responsibility of the LEA and would be subject to applicable statutes and regulatory criteria including limits for state funding adjustments. Pursuant to the *Education Code* and to the State Allocation Board (SAB) adopted regulations, funding for this project shall be rescinded if the LEA has not met the applicable criteria to have funds released within 18 months of the SAB apportionment. Failure to complete the above LEA commitments prior to project construction may subject the LEA to enforcement actions and/or penalties pursuant to applicable statutes and regulations.

_____	_____
Print Name of Authorized Local Educational Agency Representative	Title
_____	_____
Signature of Authorized Local Educational Agency Representative	Date

**Department of Toxic Substances Control Completion**

The DTSC certifies that it does not object to the CDE's issuing of final site approval and/or final plan approval, nor to the LEA receiving funding apportionment for this project prior to the completion of required further investigation and/or related response action. The DTSC has issued a letter dated \_\_\_\_\_ which:

- Select as appropriate: Site Code 

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- A.  Concurs with a Phase I Environmental Site Assessment (Phase I) conclusion that the only actual or potential recognized environmental condition for this site is/are lead-based paint and/or PCBs and/or OCPs which requires further investigation via a Phase I addendum, which may also require further investigation and/or response action.
  - B.  Requires that a Preliminary Endangerment Assessment be conducted for only lead-based paint and/or PCBs and/or OCPs at this site, which may also require further investigation and/or response action.
  - C.  Approved a Preliminary Endangerment Assessment and determined that further investigation and/or response action is required for only lead-based paint and/or PCBs and/or OCPs at this site.
  - D.  Indicates that the LEA has entered into either an Environmental Oversight Agreement or a Cleanup Agreement which specifies that lead-based paint and/or PCBs and/or OCPs are the only known environmental conditions of concern at this site which require further investigation and/or response action.

The DTSC commits to oversee the LEA's completion of the required further investigation and/or response action and will immediately notify the Office of Public School Construction and the CDE should the LEA fail to complete the further investigation or response action as required.

_____	_____
Print Name of Authorized DTSC Branch or Division Chief	Title
_____	_____
Signature of Authorized DTSC Branch or Division Chief	Date

## Instructions

### Purpose

This form will allow local educational agencies (LEA) to seek a California Department of Education (CDE) final site approval and/or final plan approval **prior** to completing the Department of Toxic Substances Control (DTSC) requirements for sites that the DTSC has determined that lead-based paint and/or polychlorinated biphenyls (PCBs) and or organochlorine pesticides (OCPs) from termiticide application are the **only** issues which require further investigation (sampling before or after demolition) or response action (cleanup).

A final site approval or final plan approval from the CDE (along with meeting all other Office of Public School Construction related requirements) allows applicants to seek **full** State Allocation Board (SAB) site acquisition apportionment or new construction project apportionment, including the state's share of costs based upon eligible actual or **estimated** cleanup costs (if any) known at the time of the application.

By this form, the LEA commits to complete all DTSC required activities **prior** to commencing grading of the affected areas of the project site and acknowledges that any related additional cleanup costs may be the full responsibility of the LEA and would be subject to applicable funding adjustment limits and criteria. Pursuant to statutes, funding shall be rescinded if applicable criteria to have funds released within 18 months of apportionment are not met.

LEAs may elect not to utilize this form and thus not seek CDE final approvals and full apportionment until after further investigation and/or response action is complete under DTSC oversight, and a "no action" or "no further action" determination letter is received. In addition, qualified "environmental" or "financial" hardship applicants may instead seek a CDE "contingent" site approval prior to completion of DTSC requirements and without the use of this form. "Contingent" site approval applicants may also seek estimated site apportionment and cleanup costs (if any), but CDE final approvals and construction apportionment (and actual cleanup cost adjustment, if any) are in part dependent upon completion of the DTSC process.

A signed DTSC Environmental Oversight Agreement or Cleanup Agreement for lead-based paint/PCBs are neither required prior to completion of this form nor prior to CDE's issuing of final approvals; however, this form commits the LEA to enter into such agreements as determined necessary by the DTSC.

Note that references to asbestos containing materials in a DTSC determination letter will not prohibit the use of this form.

### Form Completion and Submission

After the DTSC issues a determination letter stating that lead-based paint and/or PCBs and or OCPs are the only issues which require either a Phase I Environmental Site Assessment addendum, a Preliminary Endangerment Assessment (PEA), further investigation after a PEA, or a response action, the LEA may complete the top portion of this form and submit with a copy of the DTSC determination letter via mail or fax, or in person to the DTSC Chief of the appropriate regional office (the determination letter will note the DTSC office of origin).

After completing its portion of the form, the DTSC will fax and mail a copy to the CDE and the LEA. The CDE will issue final approvals upon receipt of this completed form (fax or photocopy is acceptable) and when all other site or plan requirements have been met.