



LOS ANGELES UNIFIED SCHOOL DISTRICT
REFERENCE GUIDE

TITLE: Office of Environmental Health and Safety
 Compliance Protocol for California Environmental
 Quality Act Mitigation Monitoring and Reporting
 Program

NUMBER: REF-5715.0

ISSUER: Enrique G. Boull't, Chief Operating Officer
 Office of the Chief Operating Officer

John Sterritt, Director
 Office of Environmental Health and Safety

DATE: April 16, 2012

PURPOSE: Mitigation measures are the specific requirements which will minimize, avoid, rectify, reduce, eliminate, or compensate for significant environmental effects of a project being developed. Pursuant to the California Environmental Quality Act (CEQA), when a Lead Agency makes a finding of a significant effect to the environment when certifying an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND), the agency must also adopt a plan for the monitoring of mitigation measures identified in the Environmental Impact Report or Mitigated Negative Declaration known as a Mitigation Monitoring and Reporting Program (MMRP). The task of designing a monitoring and reporting program is the responsibility of the public agency which approves the project, as is the case for the Los Angeles Unified School District (District).

The Office of Environmental Health and Safety (OEHS) is responsible for ensuring compliance with the mitigation measures identified in the Environmental Impact Reports and Mitigated Negative Declarations. District projects approved by the Board of Education (BOE) which contain mitigation measures as a condition of project approval are required to comply with the adopted State legislation (AB 3180; California Public Resources Code Section 21081). This government code, which took effect on January 1, 1989, applies to both public and private construction projects. The Mitigation Monitoring and Reporting Program is designed to ensure code compliance during pre-construction, construction and post-construction phases. This document is an informational guide to the Office of Environmental Health and Safety protocol for implementing the Mitigation Monitoring and Reporting Program.

INSTRUCTIONS: I. Monitoring

As the Lead Agency under the California Environmental Quality Act, the District is required to monitor approved projects to ensure that the adopted mitigation measures are implemented in a timely and effective manner. The District may delegate monitoring responsibilities to another public agency or a private entity; however, the District remains

ROUTING
 Regional Facilities Directors



LOS ANGELES UNIFIED SCHOOL DISTRICT REFERENCE GUIDE

responsible for ensuring that implementation of the mitigation measures occur in accordance with the program. Environmental monitoring is an effective tool to provide feedback about the actual environmental impacts of a project, without monitoring there can be no awareness of non-compliance. Also, mitigation monitoring results help judge the success of mitigation measures in protecting the environment. They are used to ensure compliance with environmental standards, and to facilitate any needed changes for the development of future mitigation measures as well. Adequate monitoring and reporting is also necessary should such information be required in a court of law.

A Final Environmental Impact Report that has been certified by the Board of Education consists of a Mitigation Monitoring and Reporting Program, which is usually presented as a matrix or table (Exhibit A). The Mitigation Monitoring and Reporting Program is also provided in the Findings of Fact (FOF), which accompanies the Final Environmental Impact Report when it goes to the Board of Education for consideration and certification. The Mitigation Monitoring and Reporting Program describes implementation and monitoring responsibilities, and establishes the timing for each mitigation measure identified in the Environmental Impact Report, including:

- **Significant Impact:** Identifies the impact number and statement from the Final Environmental Impact Report.
- **Mitigation Measure:** Provides full text of the mitigation measure as provided in the Final Environmental Impact Report.
- **Monitoring Responsibility/Party:** Designates responsibility for implementation of the mitigation measures and when appropriate, summarizes the steps to be taken to implement the measures.
- **Implementation Phase:** Identifies the stage of the project during which the mitigation action will be taken (pre-construction, construction, post construction/operation).
- **Completion:** This provides closure to the mitigation. The responsible party will sign off when the mitigation measure has been completed. No further action is required.

The responsibility for implementing mitigation measures and fulfilling monitoring and reporting requirements may extend to an Office of Environmental Health and Safety Environmental Project Manager, an Office of Environmental Health and Safety Environmental Health Supervisor or a member of the Facilities Services Division (FSD), such as the Owner's Authorized Representative (OAR) or the Inspector of Record (IOR). Mitigation monitoring may occur during different phases of a project which include the following:

Pre-construction: Identifies mitigation measures to be implemented prior to school construction. Examples include building design features, historical building analysis, traffic control plans, site preparation work like the removal of hazardous materials and



LOS ANGELES UNIFIED SCHOOL DISTRICT REFERENCE GUIDE

grading/demolition. Pre-construction activities begin after an Environmental Impact Report or Mitigated Negative Declaration has been certified and the project has been approved.

Construction: Identifies mitigation measures to be implemented during construction. Examples of such measures include the use of sound barriers for noise attenuation and compliance with the South Coast Air Quality Management District's (SCAQMD) Rule 403 for dust suppression, and installation of crosswalks and traffic lights that reduce safety hazards. When a project reaches the construction phase, a "Job Start Meeting" is held. The purpose of the Job Start Meeting is to allow the project team, which is led by the Owner's Authorized Representative who is responsible for overseeing the project, to have a better understanding of what it entails. An Office of Environmental Health and Safety monitoring representative attends these meetings to gather information about the project, as well as to ensure the Owner's Authorized Representative understands which mitigation measures apply to them during each phase of construction. The Office of Environmental Health and Safety monitor provides copies of the Mitigation Monitoring and Reporting Program to the Owner's Authorized Representative and members of the construction team during the job start meeting.

Mitigation measures related to pedestrian safety and traffic are generally implemented during the implementation or post construction phases. Some mitigation measures may contain specific language pertaining to when mitigations should be implemented e.g. "prior to school occupancy" or "after school occupancy". The Office of Environmental Health and Safety conducts mitigation monitoring six months, three months, and two weeks prior to school occupancy, and post school occupancy for specified mitigation measures. The detailed protocol for mitigation monitoring is as follows:

- Six Months: Approximately six months prior to project completion, the Office of Environmental Health and Safety monitoring staff conducts a review of mitigation measures which apply to projects. Typically, mitigation measures that apply during this period are related to pedestrian and traffic safety. Specifically, the Environmental Impact Report or Mitigated Negative Declaration may contain mitigation measures related to the installation of missing sidewalks, crosswalks, signage, traffic lights, lane re-striping and the installation of Automated Traffic Surveillance and Control System (ATSAC) systems. During this phase, an Office of Environmental Health and Safety monitor conducts a physical inspection of the school site and surrounding area and confirms whether mitigation measures have been implemented or not. For mitigation measures that have not been implemented, the Office of Environmental Health and Safety monitor then confers with the responsible party (usually either the Office of Environmental Health and Safety Environmental Health Supervisor or the Facilities Services Division- Owner's Authorized Representative) to determine if implementation of the mitigation measure has been initiated. Evidence that implementation has been initiated may come in the form of a work order or written request. For example, correspondence with the Los Angeles Department of Transportation (LADOT) indicating that a request to signalize an intersection has been made would suffice at this point in the process. If implementation has not been



LOS ANGELES UNIFIED SCHOOL DISTRICT REFERENCE GUIDE

initiated, the Office of Environmental Health and Safety monitor alerts the appropriate individuals from Office of Environmental Health and Safety or the Facilities Services Division of the omission by issuing a Corrective Action Notice (CAN) recommending that the problem be corrected. The Office of Environmental Health and Safety monitor then makes notations of the site inspection and files a copy of the notice in the Office of Environmental Health and Safety database.

- **Three Months:** Approximately three months prior to project completion, the Office of Environmental Health and Safety monitoring staff conducts a follow-up visit to reassess the status of the Mitigation and Monitoring Reporting Program implementation, specifically focusing on any measures that had not been initiated at the point of the 6-month review. During this follow-up, the Office of Environmental Health and Safety monitor conducts another site inspection of the school to identify any outstanding mitigation measures. For any mitigation measures that still have not been initiated, the monitor then issues a second Corrective Action Notice to Facilities Services Division informing of the deficiencies. A copy of the notice and notes are filed in the Office of Environmental Health and Safety database.
- **School Opening:** Two weeks prior to project completion, the Office of Environmental Health and Safety monitoring staff conducts a final walk through of the school site to confirm that all mitigation measures have been implemented and the project fully complies with the California Environmental Quality Act. The Office of Environmental Health and Safety and the Facilities Services Division management are alerted of any outstanding mitigation measures which were not initiated or implemented with a recommendation of how to correct the deficiency. Results of this walk through are noted in the Office of Environmental Health and Safety database.
- **Post-Construction:** Identifies mitigation measures to be implemented after school occupancy. An example of such a measure may include the provision of a crossing guard safety study. Mitigation measures identified for post-construction school occupancy would be identified for implementation by the Office of Environmental Health and Safety monitor who issues a Corrective Action Notice to the Facilities Services Division of the pending mitigation measure. Once all mitigation measures have been implemented and the project is in compliance, a mitigation monitoring compliance form is filled out and given to the Facilities Services Division as evidence of compliance (Exhibit B).

II. Reporting

The reporting component of the Mitigation Monitoring and Reporting Program provides a tracking mechanism for mitigation monitoring activities and standards for determining compliance with mitigation measures. The Office of Environmental Health and Safety maintains a database of all school construction and modernization projects that includes site-



LOS ANGELES UNIFIED SCHOOL DISTRICT REFERENCE GUIDE

specific information such as: the estimated school opening date, school address, Mitigation Monitoring and Reporting Program percentage complete, site visit dates and notes, monitoring staff, Corrective Action Notices regarding Mitigation Monitoring and Reporting Program compliance and a copy of the site-specific Mitigation Monitoring and Reporting Program.

The reporting process begins when a monitor first physically visits a school site and documents their findings regarding Mitigation Monitoring and Reporting Program compliance. Notes and photographs (if required) are taken and entered into the Office of Environmental Health and Safety database. In order to measure mitigation compliance for each school, the monitor assigns each mitigation measure a numeric value. For example, if a mitigation measure is in full compliance then it is assigned a value of 100% complete; if a mitigation measure has not been implemented, then it is assigned a value of 0% complete.

At the end of each quarter, the Office of Environmental Health and Safety monitor issues a report on the total number of mitigation measures which have been implemented versus the number of mitigation measures which have not been implemented for each school. A total percent in compliance is derived. The monitor follows up with the appropriate department manager or department lead responsible for ensuring the outstanding mitigation measures are in compliance.

III. Enforcement

The District is responsible for self-policing when it comes to enforcing implementation of the Mitigation Monitoring and Reporting Program. The District has the power to enforce mitigation measures in terms of compliance, implementation and development. As the Lead Agency, the District retains the ultimate legal responsibility for satisfying the requirements of state legislation AB 3180-Section 21081.6 which requires public agencies to adopt a Mitigation Monitoring and Reporting Program pursuant to approval of a project. Mitigation measures contained in an Environmental Impact Report or Mitigated Negative Declaration would be enforced through the Mitigation Monitoring and Reporting Program, joint use agreements, or other measures.

The Mitigation Monitoring and Reporting Program matrix identifies responsible agencies for implementing each mitigation measure. Some mitigation measures may include multiple agencies responsible for implementation, which requires cooperation between these agencies. When multiple agencies are listed, the Office of Environmental Health and Safety protocol is to confirm with the Office of Environmental Health and Safety Environmental Health Supervisor and the Facilities Services Division if implementation of the mitigation has been initiated in the form of work orders or letters. Copies are requested and filed in Office of Environmental Health and Safety database.

IV. Responsible Agencies/Departments



LOS ANGELES UNIFIED SCHOOL DISTRICT REFERENCE GUIDE

Implementation of the Mitigation Monitoring and Reporting Program requires coordination between the Office of Environmental Health and Safety and the Facilities Services Division. Additionally, implementation of specific mitigation measures may require coordination between the District and external agencies. As part of the B-Permit application for the City of Los Angeles Department of Building and Safety, mitigation measures related to pedestrian and traffic safety improvements are generally included as part of the application submitted by the Facilities Services Division. The Facilities Services Division becomes the responsible party for ensuring mitigation measures are implemented. The role of the Office of Environmental Health and Safety is to verify that the mitigation measures ultimately get implemented. Six weeks prior to the beginning of each project phase, the Office of Environmental Health and Safety monitor issues the Facilities Services Division a Corrective Action Notice informing which mitigation measure(s) are not in compliance. For mitigation measures which have not been initiated or implemented, a Corrective Action Notice of non-compliance may be issued at six and three month intervals.

**RELATED
RESOURCES:**

A copy of the Mitigation Monitoring and Reporting Program is available on the Office of Environmental Health and Safety website at http://www.lausd-Office_of_Environmental_Health_and_Safety.org/docs/

ASSISTANCE:

For assistance or further information, please contact the Office of Environmental Health and Safety (213) 241-3199.