

ORIGINAL

SOUTH COAST AQMD  
CLERK OF THE BOARDS  
2024 AUG -6 AM 9: 05

PETITION FOR VARIANCE  
BEFORE THE HEARING BOARD OF THE  
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

RV  
10/17/24

PETITIONER: Beverly Hills Unified School District CASE NO: 6263-1

Site: Beverly Hills High School FACILITY ID: 147798

FACILITY ADDRESS: 241 S. Moreno Drive  
[location of equipment/site of violation; specify business/corporate address, if different, under Item 2, below]

City, State, Zip: Beverly Hills, CA 90212

1. TYPE OF VARIANCE REQUESTED (more than one box may be checked; see Attachment A, Item 1, before selecting)

INTERIM  SHORT  REGULAR  EMERGENCY  EX PARTE EMERGENCY

2. CONTACT: Name, title, company (if different than Petitioner), address, and phone number of persons authorized to receive notices regarding this Petition (no more than two authorized persons).

<u>Raphael Guzman</u>	<u>Steven Bright</u>
<u>Beverly Hills Unified School District</u>	<u>Environmental Audit, Inc.</u>
<u>241 S. Moreno Drive</u>	<u>1000-A Ortega Way</u>
<u>Beverly Hills, CA</u> <u>Zip</u> <u>90212</u>	<u>Placentia, CA</u> <u>Zip</u> <u>92870</u>
<u>☎ (310) 551-5100</u> <u>Ext.</u> <u>2222</u>	<u>☎ (714) 632-8521</u> <u>Ext.</u> <u>224</u>
<u>Fax ( )</u>	<u>Fax ( )</u>
<u>E-mail rguzman@bhusd.org</u>	<u>E-mail sbright@envaudit.com</u>

3. RECLAIM Permit  Yes  No      Title V Permit  Yes  No

**Persons with disabilities may request this document in an alternative format by contacting the Clerk of the Board at 909-396-2500 or by e-mail at [clerkofboard@aqmd.gov](mailto:clerkofboard@aqmd.gov).**  
**If you require disability-related accommodations to facilitate participating in the hearing, contact the Clerk of the Board at least five (5) calendar days prior to the hearing.**

[ALL DOCUMENTS FILED WITH CLERK'S OFFICE BECOME PUBLIC RECORD]



4. **GOOD CAUSE:** Explain why your petition was not filed in sufficient time to issue the required public notice. (Required only for Emergency and Interim Variances; see Attachment A, Item 4)

Not applicable, requesting a regular variance.

5. Briefly describe the type of business and processes at your facility.

The site is the location of the Beverly Hills High School (BHHS) and is operated by the Beverly Hills Unified School District (BHUSD). The BHHS teaches 9-12 grade and is the only high school operated by the BHUSD.

6. List the equipment and/or activity(s) that are the subject of this petition (see Attachment A, Item 6, Example #1). **Attach copies of the Permit(s) to Construct and/or Permit(s) to Operate for the subject equipment. For RECLAIM or Title V facilities, attach only the relevant sections of the Facility Permit showing the equipment or process and conditions that are subject to this petition. You must bring the entire Facility Permit to the hearing.**

Equipment/Activity	Application/Permit No.	RECLAIM Device No.	Date Application/Plan Denied (if relevant)*
Equipment: None.	Not Applicable	Not Applicable	Not Applicable
Activity: Excavation of contaminated soil.	Not Applicable	Not Applicable	Not Applicable

\*Attach copy of denial letter

7. Briefly describe the activity or equipment, and why it is necessary to the operation of your business. A schematic or diagram may be attached, in addition to the descriptive text.

The California Department of Toxic Substances Control (DTSC) is requiring that contaminated soil at the BHHS be addressed. Three metals regulated by Rule 1466 (i.e., arsenic, cadmium and lead) have been detected in soil that will require excavation and off-site disposal at an approved facility. Because more than 50 cubic yards of soil will be excavated (i.e., earth-moving activity), Rule 1466 is applicable. Excavators, backhoes and similar earth-moving equipment will be required to complete the removal work.

8. Is there a regular maintenance and/or inspection schedule for this equipment? Yes  No

If yes, how often: Not applicable Date of last maintenance and/or inspection Not applicable

Describe the maintenance and/or inspection that was performed.

Not applicable.



9. List all District rules, and/or permit conditions [indicating the specific section(s) and subsection(s)] from which you are seeking variance relief (if requesting variance from Rule 401 or permit condition, see Attachment A). Briefly explain how you are or will be in violation of each rule or condition (see Attachment A, Item 9, Example #2).

Rule	Explanation
1466 (e)15(A)	Excavation of soil during school hours.
1466 (e)15(B)	Excavation of soil when joint use school facilities are in use.

10. Are the equipment or activities subject to this request currently under variance coverage? Yes  No

Case No.	Date of Action	Final Compliance Date	Explanation

11. Are any other equipment or activities at this location currently (or within the last six months) under variance coverage? Yes  No

Case No.	Date of Action	Final Compliance Date	Explanation

12. Were you issued any Notice(s) of Violation or Notice(s) to Comply concerning this equipment or activity within the past year? Yes  No

If yes, you must attach a copy of each notice.

13. Have you received any complaints from the public regarding the operation of the subject equipment or activity within the last six months? Yes  No

If yes, you should be prepared to present details at the hearing.



14. Explain why it is beyond your reasonable control to comply with the rule(s) and/or permit condition(s). Provide specific event(s) and date(s) of occurrence(s), if applicable.

Rule 1466 (e)15(A) and 1466 (e)15(B) limit excavation work to outside of the hours between 7:30 a.m. and 4:30 p.m. on days when the school/joint use facilities are not in use. Compliance with these conditions is not feasible for the following reasons:

1. BHHS athletic teams for football, soccer, softball, baseball, lacrosse, and track and field use the school facilities, e.g., gymnasium and various fields, before the hours of 7:30 a.m. and after the hours of 4:30 p.m. The fields and facilities are open from 6 a.m. to 10 p.m. on weekdays, and from 8:00 a.m. to 8:00 p.m. on weekends. In addition to school related functions, the facilities and fields are also used by various community/joint use organizations, e.g., American Youth Soccer Organization, Beverly Hills Adult Soccer League, Beverly Hills Little League, and various Beverly Hills Summer sports camps. All of the various BHHS sports teams and joint uses by other organizations means that earth-moving activities could not typically start at the BHHS until 10:00 p.m. during weekdays; and
2. Landfills where the contaminated soils will be shipped typically close at 4:00 p.m. on weekdays; therefore, it is not possible to directly ship soil excavated at night off-site for disposal. If the soil excavated at night was temporarily stockpiled on-site, it would need to be removed from the stockpile during the day when school and/or a joint use facility are in operation and landfills open. Moving stockpiled soil is classified by the South Coast AQMD as an earth-moving activity; therefore, when the school and/or a joint use facility are being used, this activity would not comply with Rule 1466.

15. When and how did you first become aware that you would not be in compliance with the rule(s) and/or permit condition(s)? Provide specific event(s) and date(s) of occurrence(s).

During preparation of the RAP in 2024, it was determined that it would not be feasible to comply with SCAQMD Rule 1466, Section (e) (15)(A) and (B) conditions. Therefore, petitioner contacted SCAQMD staff for guidance. On April 22, 2024, SCAQMD Inspector Michal Haynes graciously visited the BHHS to discuss the project with the BHUSD team. Inspector Haynes provided direction on how to proceed, i.e., submit a variance petition to the SCAQMD Hearing Board, and to work with SCAQMD staff on a monitoring program that they would be comfortable with, assuming the Hearing Board would grant a variance.

16. List date(s) and action(s) you have taken since that time to achieve compliance.

See response to Question 15 above.



17. What would be the harm to your business during **and/or after** the period of the variance if the variance were not granted?

Economic losses: \$ Not applicable

Number of employees laid off (if any): Not applicable

Provide detailed information regarding economic losses, if any, (anticipated business closure, breach of contracts, hardship on customers, layoffs, and/or similar impacts).

The BHUSD operates only one high school, the BHHS. The BHHS has been in need of upgrades for years to structural, mechanical, electrical and plumbing systems to comply with current codes, new buildings, and reconfiguration of athletic fields to meet current California Interscholastic Federation (CIF) requirements. Without this variance, the majority of these upgrades and improvements will not be possible, and students, faculty and staff will be left with substandard facilities and fields.

18. Can you curtail or terminate operations in lieu of, or in addition to, obtaining a variance? Please explain.

No. See responses to Question 14 and Question 17 above.

19. Estimate excess emissions, if any, on a daily basis, including, if applicable, excess opacity (the percentage of total opacity above 20% during the variance period). If the variance will result in no excess emissions, insert "N/A" here and skip to No. 20.

Pollutant	(A)	(B)	(C)*
	Total Estimated Excess Emissions (lbs/day)	Reduction Due to Mitigation (lbs/day)	Net Emissions After Mitigation (lbs/day)
Not applicable			

\* Column A minus Column B = Column C

Excess Opacity: \_\_\_\_\_ %

20. Show calculations used to estimate quantities in No. 19, or explain why there will be no excess emissions.

The only emissions are construction emissions associated with earth-moving equipment (e.g., excavators and backhoes). There are no operating stationary sources that would require South Coast AQMD approval.



21. Explain how you plan to reduce (mitigate) excess emissions during the variance period to the maximum extent feasible, or why reductions are not feasible.

Not applicable, see response to Question 20 above.

22. How do you plan to monitor or quantify emission levels from the equipment or activity(s) during the variance period, and to make such records available to the District? **Any proposed monitoring does not relieve RECLAIM facilities from applicable missing data requirements.**

The only land use at the BHHS, other than school use, was oil exploration and production. Oil exploration and production activities ceased in 2017 and are no longer conducted at the BHHS. For evaluation purposes, the BHHS was divided into nine areas of interest identified as AOI-1, AOI-2, AOI-2A, AOI-3, AOI-4, AOI-5, AOI-6, AOI-7 and the Former Venoco Site (see Figure 1). Investigation efforts have been conducted for all areas of interest. Remediation work was completed for AOI-1 in 2016, and no work is being proposed for AOI-4. Presently, the BHHS is divided into two areas identified as follows (see Figure 1):

New Designation	Comprised of Old Designation
AOI-A	AOI-2, AOI-2A, AOI-3, AOI-5, AOI-6 and AOI-7
AOI-B	Former Venoco Site

Investigations of AOI-A have encountered the following contaminants in soil above screening levels (SLs) established for residential land use (SL-Residential):

- Total Petroleum Hydrocarbons as Gasoline (TPH-G)
- Total Petroleum Hydrocarbons as Diesel (TPH-D)
- Total Petroleum Hydrocarbons as Oil (TPH-O)
- Naphthalene
- Arsenic
- Cadmium
- Cobalt
- Lead
- Thallium
- PCB-1254 (a.k.a., Aroclor-1254)
- 4,4-DDE
- Dieldrin

On April 17, 2024, a "Remedial Action Plan for AOI-A" (RAP) was submitted to DTSC for review and approval. DTSC is in the process of reviewing the RAP. The RAP proposed the following remedies: excavation and off-site disposal of shallow impacted soil; soil capping; institutional controls; and long-term maintenance and monitoring. Other documents that are components of the RAP include: "Soil Management Plan for AOI-A," dated May 2, 2024 (SMP) (Appendix G of RAP); "Transportation Plan for AOI-A," dated May 3, 2024 (TP) (Appendix F of RAP); and "Maintenance and Monitoring Plan for Hardscape, and Volatile Organic Compounds, Hydrogen Sulfide and Methane Soil Vapor Probes AOI-A, dated May 7, 2024 (M&M Plan) (Appendix H of RAP). A copy of the RAP can be downloaded from the below adobe send and track links:

AOI-A-2024-RAP-TEXT.pdf - <https://acrobat.adobe.com/id/urn:aaid:sc:US:cd90de4c-a4f8-43ee-adf8-de969e5d621d>  
AOI-A-2024-RAP-TABLES.pdf - <https://acrobat.adobe.com/id/urn:aaid:sc:US:140c76a5-10aa-4489-b9d7-7d2aacfee21>  
AOI-A-2024-RAP-FIGURES.pdf - <https://acrobat.adobe.com/id/urn:aaid:sc:US:ce63351f-cb98-4cc5-88a8-e67f1b790a2b>  
AOI-A-2024-RAP-APPENDIX A.pdf - <https://acrobat.adobe.com/id/urn:aaid:sc:US:2eac16df-3969-46c7-90fa-e146dc0f3d9f>  
AOI-A-2024-RAP-APPENDIX B.pdf - <https://acrobat.adobe.com/id/urn:aaid:sc:US:64eb916c-3a58-4b6c-baff-8e3443ce03d3>  
AOI-A-2024-RAP-APPENDIX C.pdf - <https://acrobat.adobe.com/id/urn:aaid:sc:US:b7884464-d5d0-4349-9a1b-4a02f27655d3>  
AOI-A-2024-RAP-APPENDIX D.pdf - <https://acrobat.adobe.com/id/urn:aaid:sc:US:92d2facd-b123-4e84-a59f-35016d360320>  
AOI-A-2024-RAP-APPENDIX E.pdf - <https://acrobat.adobe.com/id/urn:aaid:sc:US:426039c6-691f-4627-9c82-e6361d5d6877>  
AOI-A-2024-RAP-APPENDIX F.pdf - <https://acrobat.adobe.com/id/urn:aaid:sc:US:c82d4b1e-e074-4458-92e2-b15913571bab>  
AOI-A-2024-RAP-APPENDIX G.pdf - <https://acrobat.adobe.com/id/urn:aaid:sc:US:cbf8694d-ebb6-401b-9bf9-edd6ce994917>  
AOI-A-2024-RAP-APPENDIX H.pdf - <https://acrobat.adobe.com/id/urn:aaid:sc:US:4d862e9c-a694-430a-8bf5-413ded068c07>



As outlined in the RAP, the volume of soil to be excavated is estimated at approximately 25,000 cubic yards, and for worst case purposes assumed all of the excavated soil will be shipped off-site for disposal. The schedule for the project is November 1, 2024 through December 31, 2026, with the understanding that there will be multiple periods of time (months) when no soil disturbing activities are being conducted (see Table 1).

An expanded air monitoring program is proposed for the project that consists of seven perimeter air monitoring locations identified as Air Monitoring Station 1 through Air Monitoring Station 7 (see Figure 2). In addition to perimeter air monitoring, air monitoring within the work zone will also be conducted.

This variance petition is related only to Rule 1466 chemicals detected at the BHHS above DTSC action levels (i.e., arsenic, cadmium, and lead). Volatile organic compound (VOC) impacted soil as defined by Rule 1166 has not been encountered at the BHHS. However, because of the historical use of the BHHS for oil exploration and production activities, as a precautionary measure, a Rule 1166 approval will also be obtained for the project from the South Coast AQMD.

Each monitoring station will conduct real-time air monitoring for dust, VOCs, hydrogen sulfide (H<sub>2</sub>S) and methane, during earth-moving activities. To assist in the monitoring activities, a weather station that includes continuous monitoring and recording of wind speed and direction will also be part of Air Monitoring Station 1. Remote access to all real-time monitoring data associated with the seven air monitoring stations is part of the system design.

#### Perimeter Dust Monitoring

Met One E-Samplers equipped with SCC 110 PM<sub>10</sub> Cyclones real-time data-logging aerosol monitors will be used to conduct perimeter dust monitoring during earth-moving activities. For initial reporting purposes and based on historical wind direction information for the BHHS, Air Monitoring Station 1 is indicative of upwind background levels (e.g., PM<sub>10</sub> and VOCs) during the planned hours of soil disturbing activities not influence by fugitive dust sources from the BHHS. If monitoring data indicate that Air Monitoring Station 1 is not upwind, a new upwind location will be established and rationale for the new location provided in the field monitoring logs and to South Coast AQMD and DTSC. The PM<sub>10</sub> concentration will be calibrated based on the PM<sub>10</sub> concentration averaged over two hours, starting at the top of each hour where:

- PM<sub>10</sub> concentration is the absolute difference between the upwind and downwind monitors.
- If there is more than one upwind monitor, the upwind result is the two hour average of all upwind monitors.
- If there is more than one downwind monitor, the downwind average is the maximum two hour average concentration of any of the downwind monitors.
- PM<sub>10</sub> Monitors will be maintained and calibrated in accordance with 40 CFR, Part 50, Appendix J, or appropriate EPA-published documents for EPA-approved equivalent method(s) for PM<sub>10</sub>.

The action level for construction-related dust detected at the perimeter of the BHHS is 50 micrograms per cubic meter (ug/m<sup>3</sup>) above background (upwind reading) from leaving the Site boundary.

#### Perimeter VOCs, H<sub>2</sub>S and Methane Monitoring

Safeguard Analytics Model SA-XES gas monitors equipped with a VOC sensor (Model SA1-VOC-2), H<sub>2</sub>S sensor (Model SA1-H<sub>2</sub>S) and methane sensor (SA1-CH<sub>4</sub>-LEL) will be located at Air Monitoring Station 1 through Air Monitoring Station 7. Action levels for these perimeter monitoring stations will be set and the alarms triggered as follows:

Chemical	Action Level – Perimeter Monitoring (ppmv)
Methane	5,000
H <sub>2</sub> S	2
VOCs	50



Work Zone Dust Monitoring

Dust levels within the work zone (i.e., areas where soil disturbing activities will be conducted) will be monitored using a hand-held Thermo Scientific pDR-1000 PM<sub>10</sub> air monitor every 15 minutes and recorded on the Work Zone Dust and VOCs Monitoring Log. The California Division of Occupational Safety and Health (Cal-OSHA) permissible exposure limit (PEL) for worker exposure to total dust, arsenic dust and lead dust are as follows:

Chemical	Cal-OSHA PEL (mg/m <sup>3</sup> )
Total Dust	10
Arsenic Dust	0.01
Cadmium Dust	0.005
Lead Dust	0.05

The action level for dust for the equipment operators and workers will be initially set at 0.01 milligram per cubic meter (mg/m<sup>3</sup>) above background steady for five minutes. This action level will trigger continuous monitoring and increased dust suppression activities to mitigate dust below 0.01 mg/m<sup>3</sup>. If dust levels exceed 0.01 mg/m<sup>3</sup> for greater than five minutes, operations will be shut down and additional dust suppression activities will be applied to reduce dust levels to below 0.01 mg/m<sup>3</sup>.

Work Zone VOCs, H2S and Methane Monitoring

VOCs, H2S and methane levels within the work zone (excavation and roll-off bin and/or truck loading areas) will be monitored using a RKI GX-6000 six gas meter (or equivalent instrument) every 15 minutes and recorded on the Work Zone Methane and H2S Monitoring Log. The PEL for worker exposure to methane and H2S and proposed action levels are as follows:

Chemical	Cal-OSHA PEL (ppmv)	Action Level – Work Zone (ppmv) (%LEL)	
Methane	NA	12,500	1.25%
H2S	10	5	--
VOCs	NA	50	--

Lower explosive limit (LEL) for methane is 50,000 ppmv

As needed, mitigation measures will be employed at the source area, including the application of water and/or intermittent work stoppage. Work stoppage will occur in the event that activities generate gas concentrations in excess of the action levels listed above for more than a one minute period after stoppage or employment of suppression measures.

23. How do you intend to achieve compliance with the rule(s) and/or permit condition(s)? Include a detailed description of any equipment to be installed, modifications or process changes to be made, permit conditions to be amended, etc., dates by which the actions will be completed, and an estimate of total costs.

The only condition that a variance is being requested is the condition that limits the hours of excavation to outside of the hours between 7:30 a.m. and 4:30 p.m. on days when school/joint use facilities are not in use. The BHUSD will comply with all other requirements and conditions of Rule 1466.



24. State the date you are requesting the variance to begin: November 1, 2024; and the date by which you expect to achieve final compliance: December 31, 2026.

If the regular variance is to extend beyond one year, you must include a **Schedule of Increments of Progress**, specifying dates or time increments for steps needed to achieve compliance. See District Rule 102 for definition of Increments of Progress (see Attachment A, Item 24, Example #3).

List Increments of Progress here:

In addition to the monitoring records required to be maintained and submitted as part of the requirements for Rule 1166 and Rule 1466, it is proposed that quarterly progress reports be prepared and submitted documenting the work conducted for the reporting period. The reports will include information on the areas excavated, volume of soil excavated by area, volume of soil shipped off-site for disposal, manifests documenting waste disposal, and copies of the air monitoring logs. The following is the proposed schedule for quarterly report submittal:

Time Period	Report Due Date
January – March	April 30
April – June	July 31
July – September	October 31
October – December	January 31

25. List the names of any District personnel with whom facility representatives have had contact concerning this variance petition or any related Notice of Violation or Notice to Comply.

Name	Phone No.
Michal Haynes	909-396-2369
Terrance Mann	909-396-2023
Victor Yip	909-396-2465
Raymond Yip	909-396-3576
Paul Trans	909-396-2227
Devorlyn Celestine	909-396-2368
Amanda Sanders	909-396-3381

If the petition was completed by someone other than the petitioner, please provide their name and title below.

Steven Bright, Environmental Audit, Inc., Consultant to Beverly Hills Unified School District

Name Company Title

The undersigned, under penalty of perjury, states that the above petition, including attachments and the items therein set forth, is true and correct.

Executed on August 5, 2024, at Beverly Hills, California

  
Raphael Guzman (Aug 5, 2024 15:13 PDT)

Signature

Raphael Guzman

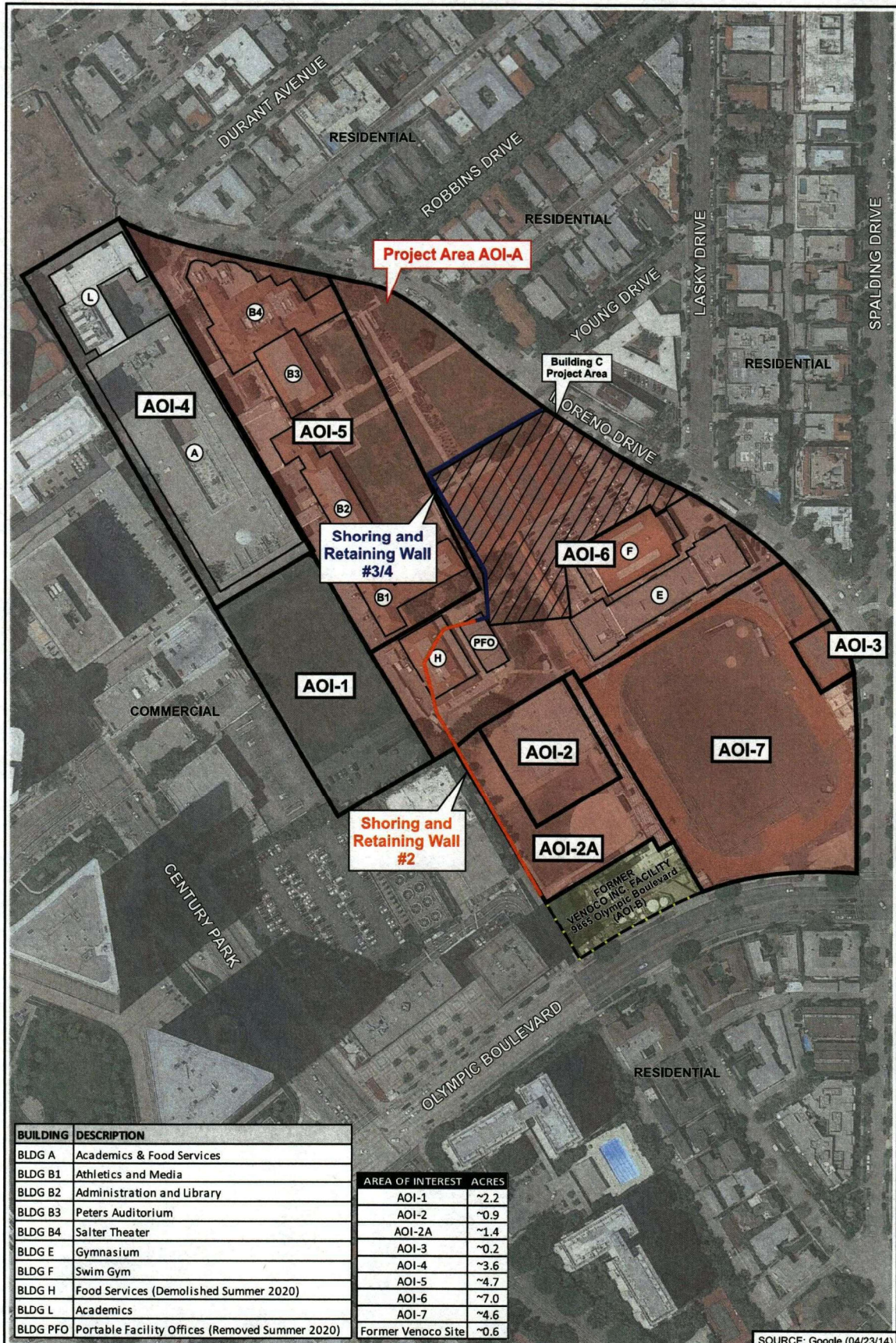
Print Name

Title: Assistant Superintendent









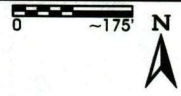
BUILDING	DESCRIPTION
BLDG A	Academics & Food Services
BLDG B1	Athletics and Media
BLDG B2	Administration and Library
BLDG B3	Peters Auditorium
BLDG B4	Salter Theater
BLDG E	Gymnasium
BLDG F	Swim Gym
BLDG H	Food Services (Demolished Summer 2020)
BLDG L	Academics
BLDG PFO	Portable Facility Offices (Removed Summer 2020)

AREA OF INTEREST	ACRES
AOI-1	~2.2
AOI-2	~0.9
AOI-2A	~1.4
AOI-3	~0.2
AOI-4	~3.6
AOI-5	~4.7
AOI-6	~7.0
AOI-7	~4.6
Former Venoco Site	~0.6

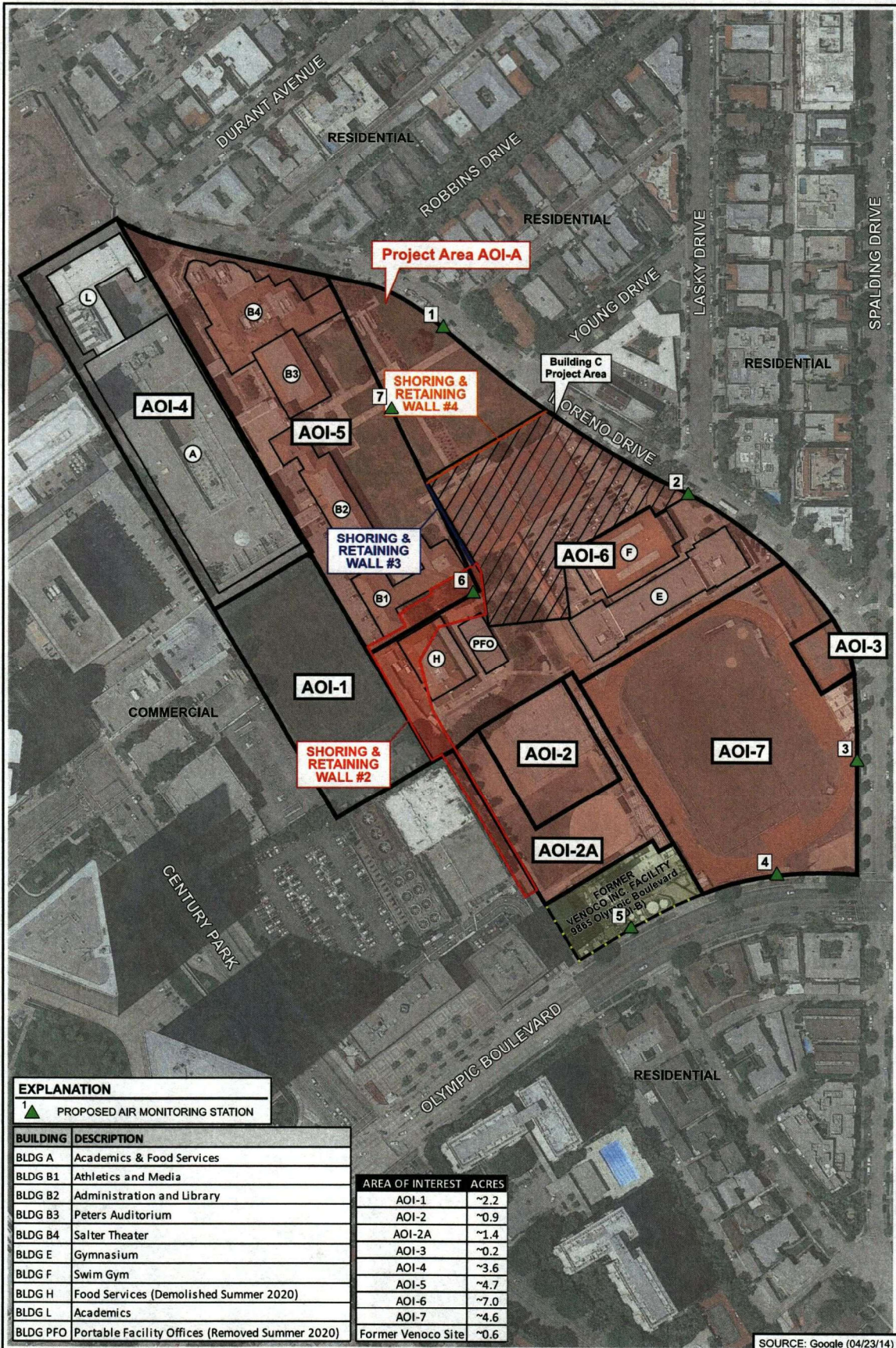
SOURCE: Google (04/23/14)



**HISTORICAL AREA OF INTEREST LOCATIONS**  
 Beverly Hills High School  
 241 S. Moreno Drive  
 Beverly Hills, CA 90212







**EXPLANATION**  
 1 ▲ PROPOSED AIR MONITORING STATION

BUILDING	DESCRIPTION
BLDG A	Academics & Food Services
BLDG B1	Athletics and Media
BLDG B2	Administration and Library
BLDG B3	Peters Auditorium
BLDG B4	Salter Theater
BLDG E	Gymnasium
BLDG F	Swim Gym
BLDG H	Food Services (Demolished Summer 2020)
BLDG L	Academics
BLDG PFO	Portable Facility Offices (Removed Summer 2020)

AREA OF INTEREST	ACRES
AOI-1	~2.2
AOI-2	~0.9
AOI-2A	~1.4
AOI-3	~0.2
AOI-4	~3.6
AOI-5	~4.7
AOI-6	~7.0
AOI-7	~4.6
Former Venoco Site	~0.6

SOURCE: Google (04/23/14)



**PROPOSED AIR MONITORING STATION LOCATIONS**  
 Beverly Hills High School  
 241 S. Moreno Drive  
 Beverly Hills, CA 90212

