

RECORDING REQUESTED BY  
AND WHEN RECORDED, MAIL TO:

Santa Monica-Malibu Unified School District  
Attention: Superintendent  
1651 Sixteenth Street  
Santa Monica, California 90404

With a copy to:

U.S. Environmental Protection Agency, Region IX  
Attention: Jeff Scott, Director Land Division  
75 Hawthorne Street  
San Francisco, California 94105-3901

APN: 4455-012-900

## DEED NOTICE

### RECITALS

A. Santa Monica-Malibu Unified School District (the “Owner”) is the fee simple owner of that certain real property commonly known as Malibu Elementary School, located at 6955 Fernhill Drive, Malibu, California 90265, which is legally described in Exhibit A, attached hereto and incorporated herein by this reference (the “Property”).

B. Owner identified Polychlorinated Biphenyls (“PCBs”) in green floor tile at a concentration of 123 parts per million (“ppm”) and tile adhesive at a concentration of 150 ppm in the Property’s Building B, Room B142. The porous concrete beneath these flooring materials was not tested because of substantial similarity to impacted concrete floors at another Owner campus that found PCBs at concentrations up to 24.6 ppm. Therefore, the concrete is addressed as a PCB Remediation Waste assumed to contain PCBs at concentrations >1 mg/kg, but below approximately 24.6 mg/kg, as described in the June 26, 2018 Notification and Request for Approval, PCB Remediation Waste Plan, Room B142, Building B, Malibu Elementary School, Malibu California (“Remediation Application”).

C. The United States Environmental Protection Agency (“EPA”) issued a TSCA PCB Cleanup and Disposal Approval under 40 C.F.R. § 761.61(c) for PCB Remediation Waste at Building B, Room B142, Malibu Elementary School, Malibu, California (PCBCA2018005) dated July 18, 2018 (“Approval”), which authorized PCB Remediation Waste disposal. The Approval approved certain provisions from the Remediation Application and imposed additional requirements. Namely, the Owner is required to remove all PCB-containing flooring material with PCB concentrations greater than 50 ppm, prepare the concrete surface, and apply an

encapsulant in the form of two coats of non-Volatile Organic Compound epoxy-based sealant to encapsulate the PCBs remaining in the concrete. Following certain clearance sampling, the Owner is required to record this Deed Notice to ensure that any subsequent owner, lessee, tenant, or other occupant of the Property will be notified of the existence of the PCBs in the concrete, the encapsulant, maintenance requirements for the encapsulant, and periodic room testing requirements to continually ensure that there is no unreasonable risk of injury to health or the environment, and proper disposal of the concrete at the end of the useful life of the building.

D. On July 25, 2018, Owner completed the remediation and encapsulant. Clearance sampling was conducted on August 1, 2018 and revealed no detectable PCBs. The results are set forth in ALTA Environmental's letter dated January 10, 2019 and entitled, *PCB Wipe and air Sampling Results, Point Dume Elementary School, Building B, Book Room*.

E. On July 30, 2018, Owner completed restoration by installing Marmoleum Composite Tile flooring in Room B142 per the Remediation Application.

**NOW, THEREFORE,** Owner hereby provides notice of the following requirements of the Long-Term Maintenance and Monitoring Plan, as specified in the Remediation Application:

1. At 1, 3, and 5 years from July 25, 2018, Owner will collect at least two floor surface wipe samples and one air sample following the protocol listed in Section 4.2.10 of the Remediation Application.
2. Owner will visually inspect the flooring material in Room B142 in accordance with Section 4.2.10 of the Remediation Application. Custodial workers or maintenance employees will report to their managers any damaged/deteriorated flooring materials in Room B142 noticed during routine or annual cleaning. The inspection will focus on the exposed surfaces of the flooring, looking for cracks and wear points or any observations of the underlying epoxy coating. . A report documenting the findings of the visual inspections, and wipe/air testing results will be prepared after each sampling event. Corrective measures will be determined and taken following consultation with EPA if results of the verification sampling indicate PCB concentrations in excess of the greater than or equal to 1 µg/100 cm<sup>2</sup> for surface wipes or EPA's Exposure Levels for Evaluation of PCBs in Indoor School Air (EPA, 2016) for air samples.
3. Owner will repair any deteriorated flooring in Room B142 in a manner that maintains the integrity of the encapsulant, in accordance with Section 5 of the Remediation Application. All PCB wastes resulting from these repairs will be disposed by Owner in accordance with Code of Federal Regulations, title 40, sections

761.61(a)(5)(i) and (iii). When Owner removes the concrete, such as at the end of the useful life of the building, Owner shall dispose of all materials containing PCBs in accordance with TSCA and the PCB Regulations at 40 CFR Part 761.

4. If Owner obtains written approval from EPA, this Deed Notice may be terminated by the filing of a Termination of Deed Notice with the Los Angeles County Registrar-Recorder/County Clerk, California, expressly terminating this Deed Notice.