DALLAS INDEPENDENT SCHOOL DISTRICT

Internal Audit

Environmental Health and Safety Audit

Environmental Health and Safety Audit

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Criteria by Observation 18

Date: October 1, 2024

To: Board of Trustees
Stephanie S. Elizalde, Ed.D., Superintendent

From: Robert Rubel, MBA, CPA, CIA, CISA
Chief Internal Audit Officer

Subject: Environmental Health and Safety Audit

Executive Summary

The Dallas Independent School District (District) Office of Internal Audit (OIA) has completed the Environmental Health and Safety (EHS) Audit.

The audit focused on processes and controls surrounding environmental health and safety for the District. Auditors reviewed health and safety factors involving indoor air quality, asbestos, drinking water quality, and stormwater management to determine if current processes are effective, efficient, and in compliance with applicable laws, regulations, and policies as well as industry best practices.

Opportunities for improvement were identified in the following areas:

Observation	Priority	Recommendation
1 and 2	High	Utilize software to more effectively and efficiently manage asbestos plans, surveys, and re-inspections
1	High	Collaborate with Construction Services to establish processes for updating asbestos management plans for construction activities
3	Medium	Engage consultants to further assess the District's stormwater compliance

Implementation of the recommendations in this report would assist the District in having effective and efficient processes for safeguarding students and staff against concerning environmental factors.

Background

In 1987, the EHS Department started with approximately 65 employees with sole focus on asbestos related issues including management plans, surveillance, and remediation and abatement.

Over the last 36 years, the department has evolved as the District has completed new construction of approximately 80 facilities, over 100 new wings, and 300 plus renovations. EHS, now a department of 26 employees, is also tasked with many other responsibilities pertaining to environmental health and safety. Below is some background information for the primary operations of the department reviewed during the audit.

Asbestos

Asbestos is the name given to naturally occurring mineral fibers commonly used in building construction materials for insulation as they are resistant to heat and corrosion. Asbestos is considered hazardous due to its known ability to cause serious health issues. Asbestos becomes harmful when the material is crumbled and becomes friable allowing the fibers to be released into the air. If undamaged and unlikely to be disturbed, asbestos does not present a hazard.

Due to the known effects of asbestos, the Environmental Protection Agency (EPA) administered the 1986 Asbestos Hazard Emergency Response Act (AHERA) requiring all local educational agencies (LEAs) to implement an asbestos management plan for each campus or facility that is owned or leased. The plan's purpose is to provide documentation of known locations of asbestos, the recommended asbestos response actions, and any actions taken to encapsulate or remove the materials. In addition to AHERA regulations, the state of Texas established the Texas Department of State Health Services Asbestos Program, which enacted the Texas Asbestos Health Protection Rules (TAHPR). EHS is currently tracking 277 locations of which 165 are known to have asbestos containing materials.

The AHERA Act also requires LEAs to periodically survey known asbestos every six months and reinspect every three years. Periodic surveillance involves regularly monitoring the condition of known asbestos to ensure it remains undisturbed and intact. Reinspections involve a thorough review and assessment by a licensed asbestos inspector.

For areas and facilities deemed to be asbestos-free, an exclusion statement may be certified by an accredited inspector and included in the management plan. With a valid exclusion statement, the area(s) specified are exempt from the following requirements:

- Six-month periodic surveillance
- Three-year reinspection
- Asbestos notifications to outside contractors
- Implementing an operations and maintenance program
- Custodial and maintenance staff asbestos awareness training

The AHERA act also describes the proper recordkeeping practices school officials must follow. LEAs must update their asbestos plans with information collected from their periodic surveillance and inspections of buildings along with response actions taken within the school. The plans must be made accessible at each school or facility it applies to and at the District's central administrative office.

Asbestos management is especially crucial when it comes to renovating facilities. Prior to any renovation, Construction Services contracts with third-party consultants who review asbestos management plans, collect samples, and ensure proper asbestos protocols are conducted throughout the project. All asbestos records that are generated through the evolution of the construction project must be added to the asbestos management plan.

Indoor Air Quality (IAQ)

IAQ is a critical component of providing a healthy and comfortable learning environment for students and staff. Air pollutants may cause or contribute to short- and long-term health problems. One of the primary ways to mitigate IAQ issues is to use high quality HVAC systems and regularly replace filters. For campuses in areas with poorer air quality from environmental factors, the District has invested in higher quality HVAC systems, which are monitored and controlled from a central location. Air quality issues are typically handled by EHS, which documents all concerns,

performs an initial investigation, and determines the appropriate resolution.

Water Quality
The City of Dallas is responsible for treatment and monitoring of water quality to ensure drinking water remains safe for consumption. The District also takes preventive measures to ensure the drinking water at campuses and facilities is safe for students and staff. EHS hires a third party to test drinking water at campuses and any water dispensing devices found to have elevated levels of lead and copper are replaced with newer fountains with filtration systems. EHS has replaced approximately 46 of the 3,000 plus drinking fountains over the last three years due to elevated levels found during water testing.

Stormwater Management
Stormwater discharge from industrial facilities and construction sites has been identified as a significant source of water pollution for water systems throughout the nation. To address this problem, the United States Congress enacted the Clean Water Act requiring the EPA to develop a regulatory program for stormwater discharge associated with many industrial related activities. The Texas Commission on Environmental Quality (TCEQ) regulates stormwater runoff for the state and requires qualifying sites to implement measures to reduce pollution and comply with water quality standards via a stormwater management plan as well as a permit to discharge into surface waters or storm sewer systems within the state. Permits must be renewed every five years. Industries and activities relevant to the District include school bus operations, fleet maintenance, and food and child nutrition services.

Scope

This audit focused on current operations and included activity from fiscal year (FY) 2023-2024. Certain other matters, procedures, and transactions outside that period were reviewed to understand and verify information during the audit period.

Objective

The objective of the audit was to review and evaluate processes and procedures surrounding environmental health and safety to determine if they meet standards, regulations, and best practices.

Methodology

Auditors interviewed key personnel, conducted walkthroughs, and reviewed supporting documents to understand processes and controls surrounding environmental health and safety. Detailed audit procedures are noted below:

1. Asbestos – To determine if the District effectively manages asbestos to comply with AHERA and TAHPR requirements, auditors performed the following:

    a. Auditors made a random sample of 20 campuses (five high schools, five middle schools, and 10 elementary schools) and obtained their current asbestos management plan to verify the required information and documentation as described in 40 CFR § 763.93 was included.
    See Recommendation 1 in this report.

b. Auditors obtained a listing of asbestos abatement projects closed out from April 2022 to June 2024, noting 27 abatement projects. Of the 27 projects, auditors made a random sample of five projects and verified the abatement was documented in the applicable asbestos management plan and was also noted on the six-month survey and three-year reinspection, where applicable.
   See Recommendation 1 in this report.

c. Auditors obtained a listing of campuses with known asbestos along with the last date a six-month survey and three-year reinspection were completed to verify surveys/inspections are conducted timely. Auditors then used the sample selection from audit procedure a. above and obtained the most recent six-month survey and three-year reinspection to verify they were conducted in accordance with requirements.
   See Recommendation 2 in this report.

2. Indoor Air Quality - To determine if the District effectively manages indoor air quality (IAQ) in accordance with laws, policies, regulations, and best practices, auditors performed the following:

   a. Auditors reviewed the District's IAQ procedures to verify the District has implemented the recommended practices stated in the Texas Department of Health Voluntary Indoor Air Quality Guidelines for Government Buildings.
      No observations were noted.

   b. Auditors obtained and reviewed indoor environmental quality evaluations and reports completed by third-party consultants for FY24. For each evaluation, auditors verified issues noted were addressed timely and recommendations provided by the consultant were implemented.
      No observations were noted.

3. Water Quality - To determine if the District has processes in place to provide safe drinking water to students and staff, auditors reviewed the invoices from the vendor utilized to conduct water quality testing for FY22, FY23, and FY24 to verify all campuses had water quality testing performed at least once over a three-year period in accordance with EHS initiatives.
   No observations were noted; however, results were communicated to management.

4. Stormwater Management - To determine if the District complies with stormwater management regulations, auditors requested the District's stormwater management plans and permits for applicable areas to verify a current plan is in place and the Multi-Sector General Permit is active.
   See Recommendation 3 in this report.

Primary criteria used for this audit were:

1) Asbestos Hazard Emergency Response Act (AHERA), 1986
2) Texas Asbestos Health Protection Rules (TAHPR)
3) Code of Federal Regulations, Title 40-Protection of Environment, Chapter I-Environmental Protection Agency, Subchapter R-Toxic Substances Control Act, Part 763-Asbestos, Subpart E-Asbestos Containing Materials in Schools
4) Texas Department of Health, Texas Voluntary Indoor Air Quality Guidelines for Government Buildings, effective date: December 22, 2002
5) Texas Commission on Environmental Quality (TCEQ) Multi Sector General Permit, Texas Pollutant Discharge Elimination System General Permit No. TXR050000 (effective July

16, 2021)

As of August 2024:

6) Texas Department of State Health Services Website
7) Dallas ISD Environmental Health & Safety Website - Water Quality Testing

Audit Observations and Recommendations

Observation 1 – Asbestos management plans are not consistently updated to reflect construction activities.

Commendations

Beginning in 1988, EHS identified and classified all locations within the District that had asbestos containing materials with significant damage or likely to be disturbed. Within the following years, all these areas were targeted and addressed. Per EHS, there are no remaining areas that fit the high-risk hazardous assessment ranking.

Additionally, EHS employs four accredited asbestos inspectors, whose licenses require a significant investment of time ranging from several months to years. Given the challenges of retaining licensed asbestos inspectors and management planners, particularly when the private industry often offers a more competitive compensation, it should be noted the District remains one of the few local educational agencies in the state to maintain its own team of qualified inspectors and management planners.

Condition

When conducting testing to verify the district has current asbestos management plans in place for all applicable locations, auditors noted at least 22 of the 277 (8%) locations tracked by EHS do not have a current asbestos plan in place.

Auditors were not able to readily verify the 22 locations represented a complete listing of missing or non-current plans as asbestos plans are not effectively tracked. Currently, asbestos plans are manually tracked on a spreadsheet. During testing auditors identified additional locations with missing plans that were not on the original listing provided by EHS. Auditors did note the identified locations with missing or noncurrent plans were for newly constructed, renovated, or acquired buildings.

Although these sites are less likely to contain asbestos, they are still required to have an asbestos management plan but can often be excluded from certain AHERA requirements if an exclusion statement from an accredited inspector or architect is retained. Auditors requested all applicable asbestos exclusion statements from Construction Services noting several newly constructed/renovated locations have exclusion statements, which are not properly reflected in the asbestos management plans.

Additionally, auditors tested to see if asbestos removal activities were noted in the asbestos management plan. Auditors reviewed 5 abatement projects noting none of them were properly updated in the asbestos management plan or the subsequent inspections.

Cause

Given the District's numerous locations and the limited resources available, EHS faces challenges in keeping up with AHERA requirements and the extensive documentation required. Currently, asbestos management plans for the District are maintained as paper copies, both centrally and onsite at each location; and as such, the manual upkeep of these plans is both challenging and time-consuming.

Gaps in communication between EHS and Construction Services along with the large number of construction projects have contributed to asbestos management plans not being updated for construction activities.

An accredited management planner or a licensed asbestos consultant must often assist in developing an asbestos management plan for school buildings. When AHERA regulations were first initiated, EHS was provided funding to have building materials tested and asbestos management plans created for all District locations. Since then, there has not been an effective process to test building materials or create/update asbestos plans for new buildings or changes to existing locations.

It was also noted that licensed consultants, currently contracted with the District to test materials for asbestos containing materials and develop an asbestos management plan, charge upwards of $10,000 depending on the size of the location. EHS does not currently have the funds budgeted to cover these costs.

Effect

As the plans noted to be missing are for newly constructed or renovated buildings, there is less risk of asbestos containing materials; however, not having a current asbestos management plan results in the District being non-compliant with Title II of AHERA. Non-compliance could lead to civil penalties up to $5,000 for each day that the violation continues. It should be noted that the Texas Department of State Health Services has inspected six facilities withing the last five years and found all of them to be compliant. Per EHS, none of the District’s asbestos management plans have been found to be non-compliant since the inception of AHERA.

Speaking to the issue of updating plans for asbestos removal or exclusion statements, areas with sufficient evidence to support no known asbestos do not need to be monitored as extensively as areas that have known asbestos containing materials. By not properly documenting abated areas or areas with exclusion statements, costly and timely resources are given to inspections, testing, etc. that could be utilized in high-risk, vulnerable areas.

Recommendation 1

OIA recommends EHS allocate resources to address the backlog of missing/noncurrent asbestos management plans. EHS should determine all locations that do not have a current asbestos management plan due to activities noted above. EHS with the assistance of a licensed asbestos consultant/planner should review criteria, exclusion statements, etc. to determine recommended actions to be taken to comply with requirements in the most cost-effective manner.

To ensure future construction activities are reflected in the asbestos plans, OIA recommends EHS and Construction Services collaborate to establish a process whereby asbestos management plans are created or updated during the project closeout process for applicable projects.

To better manage asbestos plans, EHS should consider utilizing software to allow for easier tracking and updating of the plans. Use of a software would allow for better collaboration amongst departments such as Construction Services. With information retained in software, reporting functionality could be utilized to monitor that plans contain the required and current documentation. Electronic plans would also allow for ease of access without having to be physically onsite at all the campuses and facilities. Auditors found organizations such as TASB offer free or low-cost resources that could be explored.

Risk Level for Observation 1: High[1]

Management Response:

Acknowledgement of observation:

☒ Agree
☐ Disagree

A. The Environmental Health and Safety Department (EHS) within Maintenance and Facility Services (MFS) will prioritize the campuses with no AHERA plan and create a timeline with vendors to update existing AHERA plans. EHS will partner with Dallas ISD Construction Services to update the AHERA plans for the facilities that have been completely remodeled by Construction Services.

B. EHS will partner with Construction Services to add language to future contracts that require Project Management Firms (PMF) to submit all asbestos documentation to EHS. These shall include but are not limited to: CAD file drawings, Task 1 Inspection Reports, and Asbestos Abatement Close Out Documents. This new requirement of the PMF's asbestos consultant will provide timely documents that will allow EHS to accurately update their AHERA Asbestos Management Plans. EHS will establish a protocol with Construction Services (Contract Managers, Project Managers, and General Contractors) to set milestones that will trigger a request from EHS to collect the Task 1 Inspection as well as any Task 2 activities. The milestones will be related to the following project walks currently completed by MFS and Construction Services: Substantial Completion, Six-Month Warranty, and Eleventh-Month Warranty.

C. EHS asbestos management planners will begin utilizing the Texas Association of School Boards (TASB) free software for future AHERA plans and updates to existing plans.

Estimated Implementation Date: June 30, 2025

Individuals responsible for implementation: EHS Director, EHS Manager, and Construction Services Director

Observation 2 – Periodic surveillance and reinspections of known asbestos at certain campuses and facilities have not been performed in a timely manner.

[1] See Attachment 1 for Definition of Risk Level.

Condition

Auditors obtained a listing of campuses and facilities with known asbestos along with the dates of the most recent periodic surveillance and three-year reinspection. From the listing, auditors noted 165 locations were documented as having known asbestos. Of the 165 locations, four were noted to be vacant and excluded from this testing. Based on the information provided in the listing, auditors conducted an analysis for the 161 locations with asbestos and noted the following:

- 73 of 161 (45%) locations did not have surveys completed timely.
- 60 of 161 (37%) locations did not have a reinspection completed timely.

Additionally, auditors reviewed survey and reinspection documentation for 12 locations with known asbestos containing materials. For five of the 12 locations (42%), auditors were unable to verify that all known asbestos areas identified in the asbestos management plan were properly inspected.

Cause

Two of the four licensed asbestos inspectors at EHS left the District in May 2021 and March 2022, and the positions remained vacant until September 2022. Consequently, the workload became overwhelming for the two remaining inspectors on staff, and surveys/inspections became backlogged. Furthermore, the Covid-19 pandemic contributed to additional backlog.

Additionally, the current process for scheduling, tracking, and conducting inspections and surveys is manual. Dates are tracked individually by the assigned inspectors using a manual process. Inspections are documented on a paper template while onsite. Manual processes are often difficult and time consuming to monitor effectively.

Effect

Known asbestos must be routinely surveyed and reinspected to monitor for changes and assess the likelihood of future fiber release. Without proper surveillance, asbestos may become harmful to building occupants.

Not having timely surveillance for campuses with known asbestos puts the District in noncompliance with Title II of AHERA.

Recommendation 2

OIA recommends EHS dedicate resources to addressing the backlog of periodic surveillance and three-year reinspections.

To better track and manage reinspections and surveys, EHS should consider utilizing software, as noted in Recommendation 1. Using software would facilitate easier scheduling and monitoring of asbestos surveillance requirements and allow management plans to be automatically updated accordingly.

Potential processes, controls, and benefits to consider when implementing software are noted below:

- Track individual locations of known asbestos

- Identify priority locations with vulnerable asbestos
- Track areas that have exclusion statements
- Schedule reinspections and surveys
- Utilize alerts and notifications for upcoming due dates
- Track campuses under construction along with timelines to ensure exclusion statements or other documentation is provided.
- Workflows between other departments such as Maintenance Services and Construction Services who may take part in inspection documentation
- Utilize review and approval functions
- Utilize reporting tools to more easily monitor outstanding items or other areas of concern

Risk Level for Observation 2: High[2]

Management Response:

Acknowledgement of observation:

☒ Agree
☐ Disagree

A. EHS will work with a vendor to establish a timeline to address the backlog of reinspections/surveys. The facilities will be budgeted for over the next three years to complete the process and begin a cycle of reinspections. The facilities impacted by construction will be assessed through reinspections and also by executing the steps referenced in our management response to Observation 1 regarding our partnership with Construction Services.

B. Environmental Health and Safety (EHS) asbestos management planners will begin utilizing TASB's free software for AHERA plans for all new reinspections.

Estimated Implementation Date: June 30, 2025

Individuals responsible for implementation: EHS Director and EHS Manager

Observation 3 – Stormwater pollution prevention efforts have not been submitted to the Texas Commission on Environmental Quality.

Condition

Auditors reviewed Multi-Sector General Permit requirements for stormwater discharge within the state of Texas. After initial analysis, auditors determined the follow facilities are regulated by the general permit based on the Standard Industrial Classification (SIC) code listed in the regulations:

- School Buses (SIC Code 4151) – if vehicle maintenance or equipment cleaning occurs
    - North Dallas Transportation Service Center (10700 Finnell St.)
    - Kleberg Transportation Service Center (12728 Garden Grove Dr.)
    - Lawnview Transportation Service Center (4600 Lawnview Ave.)

[2] See Attachment 1 for Definition of Risk Level.

- Terminal and Service Facilities for Motor Vehicle Passenger Transportation (SIC Code 4173) – if vehicle maintenance and equipment cleaning occurs
    - Fleet Maintenance Facility (2419 Cockrell Ave.)

- Refrigerated Warehousing and Storage (SIC Code 4222)
    - Maria Luna Food Service Facility (1515 Al Lipscomb Way)

Under the general permit regulations, if any of these facilities have stormwater discharge, they are required to obtain a Multi-Sector General Permit by submitting a Notice of Intent and their Stormwater Pollution Prevention Plan. However, there are certain criteria that may be met to claim a No Exposure Exclusion, which can be submitted in place of the Notice of Intent and prevention plan for a Multi-Sector General Permit. Additionally, if the facilities do not have stormwater discharge and can provide evidence, a no discharge can be claimed, and a general permit is not required for that facility.

Auditors noted stormwater actions discussed above have not been submitted for the transportation centers or the Maria Luna Facility. The fleet maintenance site has a stormwater prevention plan that was updated by consultants in November 2021, but it does not appear to have been submitted to TCEQ as the permit online shows to be expired as of the same date.

Cause

Consultants have not been engaged to assess the transportation centers or the Maria Luna Facility. Consultants were originally engaged in 2009 to assess the District's stormwater activities and determine appropriate actions, but the student transportation facilities were not acquired from Dallas County until 2018.

Effect

Discharging stormwater without proper authorization can result in various penalties and fines from both the EPA and TCEQ. Beyond these penalties, the District may also be responsible for any associated cleanup and remediation costs. Based on review of the criteria and discussions with management, it does appear that the transportation centers may potentially qualify for no discharge.

Recommendation 3

OIA recommends EHS engage consultants to assess the transportation centers and Maria Luna Facility to determine appropriate actions needed to meet the Multi-Sector General Permit requirements.

Additionally, to ensure stormwater prevention efforts are reassessed timely and in accordance with regulations, EHS should consider tracking assessments and permit expiration dates in the workorder system.

Risk Level for Observation 3: Medium[3]

[3] See Attachment 1 for Definition of Risk Level.

Management Response:

Acknowledgement of observation:

☒ Agree
☐ Disagree

A. Environmental Health and Safety (EHS) has engaged a third-party consultant to assist in filing the current Stormwater Pollution Plan for the Fleet Maintenance Facility (2419 Cockrell Ave.) to the TCEQ. Once the TCEQ approves the Stormwater Pollution Plan, EHS will have five (5) years until the Plan needs to be updated and submitted again.

B. The three transportation centers are currently under construction until January of 2025. EHS will engage a consultant to complete an assessment of the centers in the spring of 2025 and determine if a Storm Water Management Plan is needed or the sites are exempt.

C. EHS will engage a consultant to complete an assessment of the Maria Luna Food Service Facility to determine if a Storm Water Management Plan is needed or if the site is exempt. Assessment will be completed by April 2025 and if determined to need a plan, EHS will submit in August of 2025.

D. Maintenance and Facility Services will add work to add capabilities into the current work order system to track the approval and expiration dates for all stormwater management plans. Development will take place in the spring of 2025. This will be part of the yearly updates and will be fully operational by July of 2025.

Estimated Implementation Date: August 31, 2025

Individuals responsible for implementation: EHS Director and EHS Manager

Conclusion

Overall, the Environmental Health and Safety department has processes to manage the District's compliance with federal, state, and local environmental regulatory requirements. Implementation of the recommendations in this report would assist the District in having effective and efficient processes for managing asbestos, water quality, and stormwater pollution.

We would like to thank EHS personnel for their cooperation and assistance with this audit.

The audit was conducted in accordance with the Institute of Internal Auditors' *Global Internal Audit Standards.* Those standards require OIA to plan and perform the audit to obtain sufficient, reliable, and relevant evidence to provide a reasonable basis for our observations and conclusions based on our audit objectives. OIA believes the evidence obtained provides a reasonable basis for our observations and conclusions based on our audit objectives.

Respectfully submitted,

Robert Rubel

Robert Rubel, MBA, CPA, CIA, CISA
Chief Internal Audit Officer

Cc: Pamela Lear, Ed.D., Deputy Superintendent, Chief of Staff and Racial Equity Officer
David Bates, Chief Operations Officer, Maintenance and Facility Services
Denoris Harris, Deputy Chief, Operation Services, Maintenance and Facility Services
Christopher Bayer, Ed.D., Executive Director II, Maintenance and Operations, Maintenance and Facility Services
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Jamie Benitez Renteria, Auditor I

Attachment 1

Definition of Risk Level

Risk Level	Definition
High	These risks could directly impact achievement of a strategic or important operational objective of the District. There is a high probability of occurrence that would significantly impact the District and/or have a significant financial, reputational, or compliance risk.
Medium	Risks are considered to be substantially undesirable and pose a moderate level of risk exposure to District operations. Without appropriate controls, the risk will happen on a consistent basis.
Low	The risks are considered to be undesirable and could moderately expose the District. Without appropriate controls, the risk will occur some of the time.

Attachment 2

Management Response

Observation 1 – Asbestos management plans are not consistently updated to reflect construction activities.

Acknowledgement of observation:

☒ Agree
☐ Disagree

Management Response:

A. The Environmental Health and Safety Department (EHS) within Maintenance and Facility Services (MFS) will prioritize the campuses with no AHERA plan and create a timeline with vendors to update existing AHERA plans. EHS will partner with Dallas ISD Construction Services to update the AHERA plans for the facilities that have been completely remodeled by Construction Services.

B. EHS will partner with Construction Services to add language to future contracts that require Project Management Firms (PMF) to submit all asbestos documentation to EHS. These shall include but are not limited to: CAD file drawings, Task 1 Inspection Reports, and Asbestos Abatement Close Out Documents. This new requirement of the PMF's asbestos consultant will provide timely documents that will allow EHS to accurately update their AHERA Asbestos Management Plans. EHS will establish a protocol with Construction Services (Contract Managers, Project Managers, and General Contractors) to set milestones that will trigger a request from EHS to collect the Task 1 Inspection as well as any Task 2 activities. The milestones will be related to the following project walks currently completed by MFS and Construction Services: Substantial Completion, Six-Month Warranty, and Eleventh-Month Warranty.

C. EHS asbestos management planners will begin utilizing the Texas Association of School Boards (TASB) free software for future AHERA plans and AHERA plan updates.

Estimated Implementation Date: June 30, 2025

Individuals responsible for implementation: EHS Director, EHS Manager, and Construction Services Director

Observation 2 – Periodic surveillance and reinspections of known asbestos at certain campuses and facilities have not been performed in a timely manner.

Acknowledgement of observation:

☒ Agree
☐ Disagree

Management Response:

A. EHS will work with a vendor to establish a timeline to address the backlog of reinspections/surveys. The facilities will be budgeted for over the next three years to complete the process and begin a cycle of reinspections. The facilities impacted by construction will be assessed through reinspections and also by executing the steps referenced in our management response to Observation 1 regarding our partnership with Construction Services.

B. Environmental Health and Safety (EHS) asbestos management planners will begin utilizing TASB's free software for AHERA plans for all new reinspections.

Estimated Implementation Date: June 30, 2025

Individuals responsible for implementation: EHS Director and EHS Manager

Observation 3 – Stormwater pollution prevention efforts have not been submitted to the Texas Commission on Environmental Quality.

Acknowledgement of observation:

☒ Agree
☐ Disagree

Management Response:

A. Environmental Health and Safety (EHS) has engaged a third-party consultant to assist in filing the current Stormwater Pollution Plan for the Fleet Maintenance Facility (2419 Cockrell Ave.) to the TCEQ. Once the TCEQ approves the Stormwater Pollution Plan, EHS will have five (5) years until the Plan needs to be updated and submitted again.

B. The three transportation centers are currently under construction until January of 2025. EHS will engage a consultant to complete an assessment of the centers in the spring of 2025 and determine if a Storm Water Management Plan is needed or the sites are exempt.

C. EHS will engage a consultant to complete an assessment of the Maria Luna Food Service Facility to determine if a Storm Water Management Plan is needed or if the site is exempt. Assessment will be completed by April 2025 and if determined to need a plan, EHS will submit in August of 2025.

D. Maintenance and Facility Services will add work to add capabilities into the current work order system to track the approval and expiration dates for all stormwater management plans. Development will take place in the spring of 2025. This will be part of the yearly updates and will be fully operational by July of 2025.

Estimated Implementation Date: August 31, 2025

Individuals responsible for implementation: EHS Director and EHS Manager

Attachment 3

Criteria by Observation

Observation 1 - Criteria

Title 40, Code of Federal Regulations § 763.93 – Management Plans

(a)(1) On or before October 12, 1988, each local education agency shall develop an asbestos management plan for each school, including all buildings that they lease, own, or otherwise use as school buildings, and submit the plan to an Agency designated by the Governor of the State in which the local education agency is located.

(2) If a building to be used as part of a school is leased or otherwise acquired after October 12, 1988, the local education agency shall include the new building in the management plan for the school prior to its use as a school building. The revised portions of the management plan shall be submitted to the Agency designated by the Governor.

(3) If a local education agency begins to use a building as a school after October 12, 1988, the local education agency shall submit a management plan for the school to the Agency designated by the Governor prior to its use as a school.

(e) The management plan shall be developed by an accredited management planner and shall include:
(1) A list of the name and address of each school building and whether the school building contains friable ACBM, nonfriable ACBM, and friable and nonfriable suspected ACBM assumed to be ACM.

Title 40, Code of Federal Regulations § 763.97 – Compliance and Enforcement

(a) *Compliance with Title II of the Act.*
(1) Section 207(a) of Title II of the Act (15 U.S.C. 2647) makes it unlawful for any local education agency to fail to develop a management plan pursuant to regulations under section 203(i) of Title II of the Act.

(2) Section 207(a) of Title II of the Act (15 U.S.C. 2647) also provides that any local education agency which violates any provision of section 207 shall be liable for a civil penalty of not more than $5,000 for each day during which the violation continues. For the purposes of this subpart, a “violation” means a failure to comply with respect to a single school building.

Title 40, Code of Federal Regulations § 763.99 – Exclusions

(a)(7) An architect or project engineer responsible for the construction of a new school building built after October 12, 1988, or an accredited inspector signs a statement that no ACBM was specified as a building material in any construction document for the building, or, to the best of his or her knowledge, no ACBM was used as a building material in the building. The local education agency shall submit a copy of the signed statement of the architect, project engineer, or accredited inspector to the EPA Regional Office and shall include the statement in the management plan for that school.

Texas Department of State Health Services Website, as of August 2024

Asbestos Hazard Emergency Response Act (AHERA) / Exclusion Letters
With a valid exclusion statement, the area(s) specified are exempt from the following:

- 6-month periodic surveillance
- 3-year reinspections
- Asbestos notifications to outside contractors
- Implementing an operations and maintenance program
- Custodial and maintenance staff asbestos awareness training

An exclusion statement does not exempt a school from all AHERA requirements. It also does not provide any exemption from the National Emissions Standard for Hazardous Air Pollutants (NESHAP) under 40 CFR 61, Subpart M, or the Texas Asbestos Health Protection Rules (TAHPR) under 25 TAC Chapter 296. NESHAP and TAHPR require a survey to determine the presence of asbestos before doing any renovations and/or demolitions in public buildings.

Title 40, Code of Federal Regulations § 763.94 – Recordkeeping

(a) Records required under this section shall be maintained in a centralized location in the administrative office of both the school and the local education agency as part of the management plan. For each homogeneous area where all ACBM has been removed, the local education agency shall ensure that such records are retained for 3 years after the next reinspection required under § 763.85(b)(1), or for an equivalent period.

(b) For each preventive measure and response action taken for friable and nonfriable ACBM and friable and nonfriable suspected ACBM assumed to be ACM, the local education agency shall provide:

(1) A detailed written description of the measure or action, including methods used, the location where the measure or action was taken, reasons for selecting the measure or action, start and completion dates of the work, names and addresses of all contractors involved, and if applicable, their State of accreditation, and accreditation numbers, and if ACBM is removed, the name and location of storage or disposal site of the ACM.

(2) The name and signature of any person collecting any air sample required to be collected at the completion of certain response actions specified by § 763.90(i), the locations where samples were collected, date of collection, the name and address of the laboratory analyzing the samples, the date of analysis, the results of the analysis, the method of analysis, the name and signature of the person performing the analysis, and a statement that the laboratory meets the applicable requirements of § 763.90(i)(2)(ii).

(f) For each time that operations and maintenance activities under § 763.91(d) are performed, the local education agency shall record the name of each person performing the activity, the start and completion dates of the activity, the locations where such activity occurred, a description of the activity including preventive measures used, and if asbestos containing building material (ACBM) is removed, the name and location of storage or disposal site of the asbestos containing material.

(g) For each time that major asbestos activity under § 763.91(e) is performed, the local education agency shall provide the name and signature, State of accreditation, and if applicable, the accreditation number of each person performing the activity, the start and completion dates of the activity, the locations where such activity occurred, a description of the activity including preventive measures used, and if ACBM is removed, the name and

location of storage or disposal site of the ACM.

Observation 2 - Criteria

Title 40, Code of Federal Regulations § 763.85 - Inspection and Reinspections

(b) Reinspection
(1) At least once every 3 years after a management plan is in effect, each local education agency shall conduct a reinspection of all friable and nonfriable known or assumed ACBM in each school building that they lease, own, or otherwise use as a school building.

Title 40, Code of Federal Regulations § 763.92 – Training and Periodic Surveillance

(b) Periodic Surveillance
(1) At least once every 6 months after a management plan is in effect, each local education agency shall conduct periodic surveillance in each building that it leases, owns, or otherwise uses as a school building that contains ACBM or is assumed to contain ACBM.

Title 40, Code of Federal Regulations § 763.97 – Compliance and Enforcement

(a) *Compliance with Title II of the Act.*
(1) Section 207(a) of Title II of the Act (15 U.S.C. 2647) makes it unlawful for any local education agency to:
(i) Fail to conduct inspections pursuant to section 203(b) of Title II of the Act, including failure to follow procedures and failure to use accredited personnel and laboratories.
(2) Section 207(a) of Title II of the Act (15 U.S.C. 2647) also provides that any local education agency which violates any provision of section 207 shall be liable for a civil penalty of not more than $5,000 for each day during which the violation continues. For the purposes of this subpart, a "violation" means a failure to comply with respect to a single school building.

Observation 3 - Criteria

TCEQ Multi Sector General Permit, Texas Pollutant Discharge Elimination System General Permit No. TXR050000 (Effective July 16, 2021)

Part V. Specific Requirements for Industrial Activities
Section P. Sector P of Industrial Activity – Land Transportation and Warehousing
1. Description of Industrial Activity
The requirements under this section apply to stormwater discharges from activities identified and described as Sector P. Sector P industrial activities are described by the following SIC codes:
SECTOR P: LAND TRANSPORTATION AND WAREHOUSING

SIC Codes	SIC Code Description
4011, 4013	Railroad Transportation
4111 – 4173	Local and Highway Passenger Transportation
4212 – 4215	Trucking and Courier Services, Except Air
4221, 4222	Farm Product Warehousing and Storage; and Refrigerated Warehousing and Storage
4225	General Warehousing and Storage
4226	Special Warehousing and Storage, Not Elsewhere Classified

4231	Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation
4311	United States Postal Service
5171	Petroleum Bulk Stations and Terminals

2. Covered Stormwater Discharges
(a) For facilities described by SIC codes listed above, except for SIC codes 4221, 4222, and 4225, permit coverage is only required for stormwater discharges from areas where the following activities are performed: vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning. Coverage for stormwater runoff from additional areas may be obtained as described in Part V, Section P.2.(d) below.

(b) For SIC codes 4221, 4222, and 4225, permit coverage is required for stormwater discharges from all areas of the facility. Facilities described by these SIC codes must obtain coverage by submitting an NOI, or a no exposure exclusion by submitting an NEC form, except as described in Part V, Section P.2.c. below for facilities described by SIC code 4225 only (General Warehousing and Storage) that do not have areas where vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities are performed.

(c) Facilities described by SIC code 4225 that do not have areas where vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities are performed are designated for coverage under this general permit and are not required to submit an NOI for coverage. These facilities must comply only with the following permit requirements and are not subject to additional requirements that are listed in this permit:
(1) The facility must maintain conditions that ensure there is no exposure of industrial activities to stormwater;
(2) The facility operator must comply with the requirements of Part III, Section E. of this general permit, related to Standard Permit Conditions, except that the operator is not required to submit an NOI or NEC form, prepare a SWP3, or conduct analytical monitoring; and
(3) The site must not contain any areas that are used for vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning activities.

The facility operator must apply for coverage if any of the requirements listed above are not met. If the TCEQ determines that additional controls are required other than those listed above, or that there is a concern regarding the discharge of elevated levels of pollutants, then the TCEQ may require a facility described by SIC code 4225 to obtain coverage and meet all permit conditions through submittal of an NOI or an individual permit application.