



## Item No. 10 Town of Atherton

### **CITY COUNCIL STAFF REPORT – REGULAR AGENDA**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**THROUGH: ROBERT OVADIA, PUBLIC WORKS DIRECTOR**

**DATE: MAY 15, 2019**

**SUBJECT: ADOPT A RESOLUTION ADOPTING A PROGRAM FOR  
MANAGING PCBs IN BUILDING MATERIALS DURING  
BUILDING DEMOLITION**

#### **RECOMMENDATION**

Adopt a Resolution adopting a program for managing PCBs in building materials during the demolition of certain buildings; and authorizing the City Manager to develop and promulgate regulations to enact the program.

#### **BACKGROUND**

PCBs have been detected in elevated levels in certain sport fish in San Francisco Bay (Bay). To make the fish safer to eat, PCBs sources to the Bay need to be identified and controlled. Urban stormwater runoff is considered a significant pathway for PCBs into the Bay. Accordingly, regulatory agencies are requiring that Bay Area municipalities address sources of PCBs in stormwater runoff discharged to the Bay from municipal separate storm sewers systems (MS4s).

Water quality within the San Francisco Bay Region is regulated by the Regional Water Board. The San Francisco Bay Region encompasses portions of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma Counties. One way that the Regional Water Board protects water bodies within the San Francisco Bay Region is to develop Total Maximum Daily Loads (TMDLs), which are programs to restore water quality in water bodies impaired by pollutants such as PCBs. Currently there is a TMDL established for PCBs in the Bay. To achieve the goals of the TMDL, a reduction in the amount of inputs of PCBs to the Bay is required. The PCBs TMDL estimates that 20 kilograms per year (kg/year) of PCBs enters the Bay in stormwater runoff and requires that this input be reduced to 2 kg/year by 2030, a 90% reduction.

In 2015, the Regional Water Board reissued the Municipal Regional Permit (MRP),<sup>1</sup> a National Pollutant Discharge Elimination System (NPDES) permit that regulates discharges

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<sup>1</sup> Order No. R2-2015-0049

of stormwater runoff from MS4s. The MRP includes provisions that implement the requirements in the PCBs TMDL to reduce discharges of PCBs in stormwater runoff to the Bay. These include Provision C.12.f., which requires Permittees to develop new programs to manage PCBs-containing building materials during demolition. Remodeling, partial building, wood framed structure, and single-family residence demolition projects are exempt. The MRP requires that these new programs are adopted and begin implementation by July 1, 2019.

## **ANALYSIS**

As noted above, the Town is required by the MRP to reduce PCBs discharges in stormwater runoff. This regulation targets priority building materials that may contain relatively high levels of PCBs, especially in buildings constructed between 1950 and 1980. The priority building materials are caulking, thermal/fiberglass insulation, adhesive/mastic, and rubber window gaskets. It is recommended that these priority building materials are regulated during demolition to prevent the materials and associated PCBs from potentially being released to the environment and transported to the Bay by stormwater runoff.

This regulation requires an assessment process for PCBs in building materials that is analogous in some ways to the process currently implemented for asbestos-containing materials. It requires that the Town initially notifies demolition permit applicants about the new requirements to conduct a PCBs in Priority Building Materials Screening Assessment.

The focus of this regulation is on PCBs runoff prevention to protect water quality. The regulation does not:

- Ask for municipal oversight or enforcement of human health protection standards.
- Ask for municipal oversight of PCBs abatement or remediation of materials or lands contaminated by PCBs.
- Establish remediation standards.

At all demolition sites, routine construction controls, including erosion and sediment controls, should also be implemented per the requirements of the MRP and the statewide Construction General Permit issued by the California State Water Resources Control Board.

The PCBs in Priority Building Materials Screening Assessment is a two-step process used to determine whether 1) the building proposed for demolition has a high probability for PCBs-containing building materials based on the building age, use, and construction type; and if so 2) demonstrating the presence or absence and concentration of PCBs in Priority Building Materials through existing information or representative sampling and chemical analysis of the Priority Building Materials in the building. The first step of the PCBs in Priority Building Materials Screening Assessment determines whether or not the building

is an *applicable structure*.<sup>2</sup> It is anticipated that most projects will not involve the demolition of *applicable structures*. Demolition permit applicants for projects that don't involve *applicable structures* will only need to address the initial screening questions and certify the answers.

Applicants shall follow the directions provided in the PCBs in Priority Building Materials Screening Assessment Applicant Package (Applicant Package), which includes an overview of the process, Applicant instructions, a process flow chart, a screening assessment form, and the *Protocol for Assessing Priority PCBs-Containing Materials before Building Demolition* (BASMAA 2018). Per the Applicant Package, for certain types of buildings built between 1950 and 1980, the Applicant must conduct further assessment to determine whether or not PCBs are present at concentrations  $\geq 50$  ppm.<sup>3</sup> This determination is made via existing data on specific product formulations (if available), or more likely, via conducting representative sampling of the priority building materials and having the samples analyzed for PCBs at a certified analytical laboratory. Any representative sampling and analysis must be conducted in accordance with the *Protocol for Assessing Priority PCBs-Containing Materials before Building Demolition*. The Applicant Package provides additional details.

When the PCBs in Priority Building Materials Screening Assessment identifies one or more Priority Building Materials with PCBs, the Applicant must comply with all related applicable federal and state laws, including potential notification of the appropriate regulatory agencies, including EPA, the Regional Water Board, and/or the DTSC. Agency contacts are provided in the Applicant Package. Additional sampling for and abatement of PCBs may be required. Depending on the approach for sampling and removing building materials containing PCBs, the Applicant may need to notify or seek advance approval from USEPA before building demolition. Even in circumstances where advance notification to or approval from USEPA is not required before the demolition activity, the disposal of PCBs waste is regulated under Toxic Substances Control Act (TSCA). Additionally, the disposal of PCBs waste is subject to California Code of Regulations (CCR) Title 22 Section 66262. Additional information is provided in the Applicant Package.

The Applicant Package template was developed by the Bay Area Stormwater Management Agencies Association (BASMAA) with input from County Clean Water Programs, including the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) and participating agencies. The use of the base template developed by BASMAA assists with maintaining a base level of consistency between jurisdictions in the area for contractors. Application materials with self-certification will be required as part of all building demolition applications.

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<sup>2</sup> *Applicable structures* are defined as structures built or remodeled from January 1, 1950 to December 1, 1980, with remodeling, partial building, wood framed structure, and single-family residence demolition projects being exempt.

<sup>3</sup> MRP Provision C.12.f states: "Permittees shall develop and implement or cause to be developed and implemented an effective protocol for managing materials with PCBs concentrations of 50 ppm or greater in applicable structures at the time such structures undergo demolition so that PCBs do not enter MS4s."

## Public Outreach

BASMAA held several workshops regarding the program for both community and industry stakeholders. Town staff discussed the upcoming regulations with contractors at its Builders Roundtable meeting on April 2, 2019.

## **ENVIRONMENTAL REVIEW**

Adoption of the attached resolution is exempt from environmental review under California Environmental Quality Act (CEQA) exemption Section 15308, Actions by Regulatory Agencies for Protection of the Environment. This exemption provision applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment as discussed above. No unacceptable negative impacts have been identified.

## **POLICY FOCUS**

Council's policy discussion should focus on compliance with the Municipal Regional Permit requirement to reduce PCB discharges in stormwater.

## **FISCAL IMPACT**

There is limited fiscal impact to the Town related to the adoption the PCB in Building Demolition program.

- For projects that don't involve *applicable structures*, a limited amount of staff time will be required to provide application materials and to confirm that the application materials are completed prior to issuance of the building demolition permit.
- For projects that do involve demolition of an *applicable structure*, applicants will be required to screen priority building materials for PCBs and certify the results. Limited additional staff hours will be needed to review application materials to confirm that the applicant has submitted all the required information and that the information appears to be consistent with the requirements of the program (i.e., review the application for completeness). The review would generally be limited to confirming that the PCBs in Priority Building Materials Screening Assessment was conducted per the instructions in the Applicant Package. This relatively low level of estimated effort is consistent with the self-certification approach, which requires the applicant to submit limited corroborating information with the application (i.e., contractor's report that includes a completed QA/QC checklist and analytical laboratory reports when the screening includes sampling).

Should staff find that implementation of these regulations requires a greater level of effort than currently anticipated, staff will bring forward recommendations for adjustment to the Town's Master Fee Schedule to cover program costs.

Due to the requirements of this regulation, applicants for demolition permits for *applicable structures*, including municipalities implementing public projects, would incur additional costs. Some applicants would only incur costs for screening priority building materials for PCBs and certifying the results. Other applicants would incur higher costs for conducting additional activities, especially when materials with PCBs concentrations  $\geq 50$  ppm are identified. The actual specific activities/resources required and associated costs will vary greatly depending on the project.

### **PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

### **ATTACHMENTS**

1. Resolution 19-XX: ADOPTION OF A PROGRAM FOR MANAGING PCBs IN BUILDING MATERIALS DURING THE DEMOLITION OF CERTAIN BUILDINGS AND AUTHORIZING THE CITY MANAGER TO DEVELOP AND PROMULGATE REGULATIONS TO ENACT THE PROGRAM
2. PCB in Priority Building Materials: Model Screening Assessment Applicant Package
3. PCBs Screening Assessment Form (to be included with all Demolition Permit applications)

## **RESOLUTION NO. 19-XX**

### **A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADOPTION OF A PROGRAM FOR MANAGING PCBs IN BUILDING MATERIALS DURING THE DEMOLITION OF CERTAIN BUILDINGS AND AUTHORIZING THE CITY MANAGER TO DEVELOP AND PROMULGATE REGULATIONS TO ENACT THE PROGRAM**

**WHEREAS**, polychlorinated biphenyls (PCBs) have been detected in elevated levels in fish and sediment in the San Francisco Bay making fish unsafe to eat; and,

**WHEREAS**, urban runoff through storm drain systems and other discharges is considered a significant pathway for PCBs into the Bay; and,

**WHEREAS**, PCBs in caulk and other priority building materials that were used in building construction and remodeling projects between 1950 and 1980 have been found to have particularly high PCBs concentrations; and,

**WHEREAS**, during demolition these building materials may be released to the environment and transported to receiving waters by stormwater runoff; and

**WHEREAS**, the San Francisco Bay Regional Water Quality Control Board adopted on November 19, 2015 the reissued Municipal Regional Permit (MRP),<sup>1</sup> a National Pollutant Discharge Elimination System (NPDES) permit that regulates discharges of stormwater runoff from municipal separate storm sewers systems (MS4s). The MRP includes provisions that implement the requirements in the PCBs Total Maximum Daily Load (TMDL), a program to address the Bay's impairment by PCBs; and

**WHEREAS**, the MRP requires the permittees, including the Town of Atherton, to reduce discharges of PCBs in stormwater runoff to the San Francisco Bay; and,

**WHEREAS**, the MRP requires the Permittees, including the Town of Atherton, to develop and implement new programs to manage PCBs-containing building materials during demolition; and,

**WHEREAS**, more specifically, the MRP requires the Permittees to require that demolition permits for buildings that were built or remodeled during the period from January 1, 1950 to December 31, 1980 be screened for the presence of PCBs in priority building materials; and

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<sup>1</sup> Order No. R2-2015-0049

**WHEREAS**, more specifically, remodeling, partial building, wood framed structure, and single-family residence demolition projects are exempt from the screening for the presence of PCBs in priority building materials; and

**WHEREAS**, the MRP requires that these new programs are adopted by June 30, 2019 and implemented by July 1, 2019; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the Town of Atherton hereby adopts a program to manage PCBs in building materials during demolition; and be it

**FURTHER RESOLVED**, that the City Council authorizes the City Manager to promulgate regulations and procedures to create and manage the program including conditions of approval, demolition permit requirements and/or construction and demolition waste management forms; and be it

**FURTHER RESOLVED**, under the provisions of Section 15308, the program to manage PCBs in building materials during demolition is found to be exempt from the environmental review requirements of the Atherton Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. Section 15308 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. No unacceptable negative impacts have been identified; and be it

PASSED AND ADOPTED at a meeting of the City of Council of the Town of Atherton held on the 15<sup>th</sup> day of May, by the following vote:

AYES:

NAYS:

ABSENT:

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Bill Widmer, MAYOR

ATTEST:

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Theresa DellaSanta, City Clerk

APPROVED AS TO FORM:

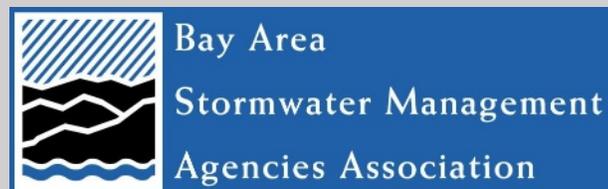
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William B Conners, City Attorney

# PCBs in Priority Building Materials: Model Screening Assessment Applicant Package



## Managing PCBs–Containing Building Materials during Demolition: Guidance, Tools, Outreach and Training



August 2018

This document is a deliverable of the Bay Area Stormwater Management Agencies Association (BASMAA) project *Managing PCBs–Containing Building Materials during Demolition: Guidance, Tools, Outreach and Training*. BASMAA developed guidance, tools, and outreach and training materials to assist with San Francisco Bay Area municipal agencies’ efforts to address the requirements of Provision C.12.f. of the Bay Area Municipal Regional Stormwater Permit (referred to as the MRP). Provision C.12.f of the MRP requires Permittees to manage PCBs–containing building materials during demolition.

We gratefully acknowledge the BASMAA Steering Committee for this project, which provided overall project oversight, including during the development of this and other project deliverables:

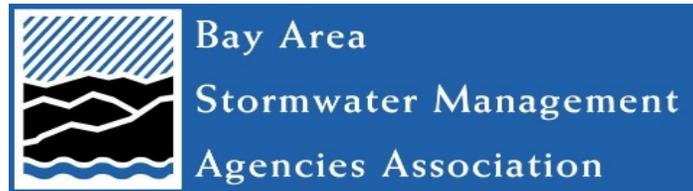
- Reid Bogert, Stormwater Program Specialist, San Mateo Countywide Water Pollution Prevention Program (BASMAA Project Manager)
- Amanda Booth, Environmental Program Analyst, City of San Pablo
- Kevin Cullen, Program Manager, Fairfield-Suisun Urban Runoff Management Program
- Matt Fabry, Program Manager, San Mateo Countywide Water Pollution Prevention Program
- Gary Faria, Supervisor, Inspection Services, Building Inspection Division, Contra Costa County
- Napp Fukuda, Deputy Director - Watershed Protection Division, City of San José
- Ryan Pursley, Chief Building Official, Building Division, City of Concord
- Pam Boyle Rodriguez, Manager, Environmental Control Programs – Stormwater, City of Palo Alto
- Jim Scanlin, Program Manager, Alameda Countywide Clean Water Program
- Melody Tovar, Regulatory Programs Division Manager, City of Sunnyvale

We also gratefully acknowledge the project Technical Advisory Group, which provided feedback from a variety of project stakeholders during development of selected project deliverables:

Stakeholder Group	Representative(s)
Regulatory – stormwater/PCBs	Luisa Valiela and Carmen Santos, U.S. EPA Region 9
Regulatory – stormwater/TMDL	Jan O’Hara, San Francisco Bay Regional Water Quality Control Board
Regulatory – experience with related program (asbestos management)	Ron Carey and Richard Lew, Bay Area Air Quality Management District
Industry – demolition contractors	Avery Brown, Ferma Corporation
Industry – remediation consultants	John Martinelli, Forensic Analytical Consulting John Trenev, Bayview Environmental Services, Inc.
MRP Permittee – large municipality	Patrick Hayes, City of Oakland
MRP Permittee – medium municipality	Kim Springer, San Mateo County Office of Sustainability
MRP Permittee – small municipality	Amanda Booth, City of San Pablo

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# **PCBs in Priority Building Materials: Model Screening Assessment Applicant Package**

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## **DISCLAIMER**

Information contained in BASMAA products is to be considered general guidance and is not to be construed as specific recommendations for specific cases. BASMAA is not responsible for the use of any such information for a specific case or for any damages, costs, liabilities or claims resulting from such use. Users of BASMAA products assume all liability directly or indirectly arising from use of the products.

The material presented in this document is intended solely for the implementation of a municipal regulatory program required by the San Francisco Bay Area Regional Water Quality Control Board Municipal Regional Stormwater Permit for the protection of water quality under the Clean Water Act.

BASMAA prepared the tools and guidance herein to assist MRP Permittees' efforts to address the requirements of Provision C.12.f. of the MRP. The project team received input from a variety of stakeholders during development of the tools and guidance, including regulators (San Francisco Bay Regional Water Quality Control Board, U.S. EPA, and Bay Area Air Quality Management District staff), Bay Area municipal agency staff, and industry representatives.

This document does not address other environmental programs or regulations (e.g., PCBs regulations under the Toxic Substances Control Act (TSCA); federal, state, or local regulations for hazardous material handling and hazardous waste disposal; health and safety practices to mitigate human exposure to PCBs or other hazardous materials; recycling mandates; and abatement at sites with PCBs (or other contaminants). The applicant is responsible for knowing and complying with all relevant laws and regulations.

The mention of commercial products, their source, or their use in connection with information in BASMAA products is not to be construed as an actual or implied approval, endorsement, recommendation, or warranty of such product or its use in connection with the information provided by BASMAA.

This disclaimer is applicable to all BASMAA products, whether information from the BASMAA products is obtained in hard copy form, electronically, or downloaded from the Internet.

# Process Overview

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This document provides a model PCBs in Priority Building Materials Screening Assessment process to be conducted by demolition project proponents (applicants). A flow chart illustrating the above processes is provided in **Attachment A**.

Applicants proposing to demolish buildings must conduct the PCBs screening assessment. Through the PCBs screening assessment applicants will:

- 1) Determine whether the building proposed for demolition is likely to have PCBs-containing building materials (see discussion of applicable structure); and
- 2) Determine whether PCBs are present at a concentration equal to or greater than 50 parts per million (ppm) in building materials.

Use the *PCBs Screening Assessment Form (Attachment B)* to summarize and certify the information required by the municipality to issue the demolition permit. The form is divided into four parts:

- **Part 1** provide applicant information and project location.
- **Part 2** complete the questions to identify whether the project involves an applicable structure. If the demolition does not involve an applicable structure, the form may be certified and submitted without completing Part 3.
- **Part 3** complete the questions to provide the concentrations of PCBs in any priority building materials.
- **Part 4** certify the information being submitted.

Note that fluorescent light ballasts, polyurethane foam furniture, and Askarel fluid used in transformers, all of which may contain PCBs, are typically managed during pre-demolition activities under current regulations and programs that require removal of universal waste and outdated transformers. For this process it is assumed that those materials will be evaluated and managed under those existing programs.

This screening process is part of a program for water quality protection and was designed in accordance with requirements in the MRP. <sup>1</sup> It does not address other environmental programs or regulations (e.g., PCBs regulations under the Toxic Substances Control Act (TSCA); federal, state, or local regulations for hazardous material handling and hazardous waste disposal; health and safety practices to mitigate human exposure to PCBs or other hazardous materials; recycling mandates; or abatement at sites with PCBs (or other contaminants). **The applicant is responsible for complying with all relevant laws and regulations. See the Notices to Applicants section for additional information.**

Water quality within the San Francisco Bay Region is regulated by the San Francisco Bay Area Regional Water Quality Control Board (Regional Water Board).

In 2015, the Regional Water Board reissued the Municipal Regional Permit (MRP)<sup>1</sup> that regulates discharges of stormwater runoff. The MRP includes provisions for reducing discharges of polychlorinated biphenyls (PCBs) in stormwater runoff and requires municipalities to develop a program to manage priority PCBs-containing building materials during demolition and implement the program by July 1, 2019.

Existing federal and state regulations create the framework for managing PCBs in building materials once those PCBs are identified through this program and for disposing of wastes containing PCBs.

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<sup>1</sup> A National Pollutant Discharge Elimination System (NPDES) permit, Order No. R2-2015-0049, issued to municipalities in the counties of Alameda, Contra Costa, San Mateo, and Santa Clara, and the Cities of Fairfield, Suisun City, and Vallejo.

# Applicant Instructions for Completing the PCBs Screening Assessment Form

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Applicants for demolition permits or other permits that involve the complete demolition of a building must conduct an assessment to screen for PCBs in priority building materials. Use the *PCBs Screening Assessment Form*, to summarize and certify the information needed by the municipality to issue a demolition permit. The form is provided in **Attachment B**. If the project includes the demolition of multiple buildings complete one form for each building to be demolished.

## Part 1. Owner and project information

Complete the owner and consultant information and the project location information.

For the Type of Construction select one of the following options:

- **Wood Frame** (Buildings constructed with lumber or timbers, which make up the studs, plates, joists, and rafters.)
- **Masonry Construction** (Buildings constructed with concrete blocks or bricks as the load bearing walls typically with the floors and ceilings constructed with wooden joists.)
- **Steel Frame Construction** (Buildings constructed with steel studs or steel columns and steel joists or trusses to support floors and roofs. Includes light gauge steel construction and high-rise steel construction.)
- **Concrete Frame** (Buildings constructed with reinforced concrete columns, concrete beams, and concrete slabs.)
- **Pre-Engineered** (Buildings constructed with pre-engineered parts bolted together.)

## Part 2. Is building subject to the screening requirement based on type, use, and age of the building?

Part 2 documents the determination of whether the proposed demolition will affect an applicable structure. If the demolition does not affect an applicable structure, then the assessment is complete, and the form can be certified.

This determination screens out buildings that are a lower priority with regard PCBs-containing materials and provides an off-ramp from the rest of the screening process.

### Key Definitions

**Demolition** means the wrecking, razing, or tearing down of any building. The definition is intended to be consistent with the demolition activities undertaken by contractors with a C-21 Building Moving/Demolition Contractor's License.

### Priority Building Materials are:

1. Caulk;
2. Thermal insulation;
3. Fiberglass insulation;
4. Adhesive mastics; and
5. Rubber window gaskets.

**Buildings** are structures with a roof and walls standing more or less permanently in one place. Buildings are intended for human habitation or occupancy.

**Applicable Structures** are defined as buildings constructed or remodeled between January 1, 1950 and December 31, 1980. Wood framed buildings and single-family residential buildings are not applicable structure regardless of the age of the building.

**Question 2.a: Is the building to be demolished wood framed and/or single family residential?**

- If YES the PCBs Screening Assessment is complete, skip to the certification in Part 4.
- If NO, continue to Question 2.b.

**Question 2.b: Was the building to be demolished constructed or remodeled between January 1, 1950 and December 31, 1980?**

- If YES continue to Question 2.c.
- If NO, the PCBs Screening Assessment is complete, skip to the certification in Part 4.

**Question 2.c: Is the proposed demolition a complete demolition of the building (as defined in key definitions of this document)?**

- If YES continue to Part 3.
- If NO, the PCBs Screening Assessment is complete, skip to the certification in Part 4.

Studies have found the highest concentrations of PCBs in building materials in buildings that were built or remodeled from 1950 to 1980.

For this process, the date that the building permit was issued will be used to determine applicability.

**Part 3. Report concentrations of PCBs in priority building materials**

Part 3 documents the results of the assessment of PCBs concentrations in priority building materials. Part 3 is only required for proposed demolition of an applicable structure, as determined in Part 2. Check the option used.

- **Option 1** Conduct representative sampling and analysis of the priority building materials per the *Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition* (August 2018) provided in **Attachment C**.
- **Option 2** Use existing sampling results of the priority building materials. Applicants who have conducted sampling prior to the publication of the protocol may use that data provided it is consistent with the protocol (e.g., analytical methods, sample collection frequency, QA/QC). It is anticipated that prior sampling results will rarely be available and that most Applicants will need to use Option 1.

**3.a Option 1 – Conduct representative sampling**

Check this box if you conducted representative sampling and analysis of the priority building materials per the *Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition* (August 2018) (**Attachment C**).

- Complete the applicable tables for each priority building material.
- Attach the contractor's report<sup>2</sup> documenting the evaluation results.
- Attach (or include in the contractor's report) the QA/QC checklist (see **Attachment C**, Section 3.2.4).
- Attach copies of the analytical data reports.

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<sup>2</sup> The contractor's report of the findings of the PCBs building material evaluation. See section 3 of Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (Attachment C).

### **3.a Option 2 – Use existing sampling records**

In some cases, a property owner may have conducted sampling of the priority building materials for PCBS. If such data exist, you may use these data to demonstrate the concentration of PCBs in the priority building materials for the PCBs screening. However, if the sampling must be consistent with the *Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition*.

- Complete the applicable tables for each priority building material.
- Attach the contractor's report/statement that the results are consistent with the *Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition*.
- Attach copies of the analytical data reports.

### **Part 3 Tables Summarize concentrations of PCBs in priority building materials**

Use these tables to summarize the concentrations of PCBs in the priority building materials.

- Each page of the table is for a different material. Duplicate the pages as needed to report all concentration data.
- A blank page is provided. Applicants have the option of submitting PCBs concentration data on other materials in addition to the priority building materials.

*Column 1: required for all priority building material PCBs concentrations*

- Use column 1 to report all PCBs concentrations in the priority building materials. Provide short description of the sample location, concentration.

*Column 2: only required for PCBs concentrations  $\geq 50$  ppm*

- Use column 2 to estimate the amount of material associated with each sample.

### **Part 4. Certification**

- Complete the certification. The certification must be signed by the property owner or the owner's agent or legal representatives and the consultant who complete the application form.

## Notices to Applicants Regarding Federal and State PCBs Regulations

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Applicants that determine PCBs exist in priority building materials must follow applicable federal and state laws. This may include reporting to U.S. Environmental Protection Agency (USEPA), the San Francisco Bay Regional Water Quality Control Board, and the California Department of Toxic Substances Control (DTSC). These agencies may require additional sampling and abatement of PCBs.

Depending on the approach for sampling and removing building materials containing PCBs, you may need to notify or seek advance approval from USEPA before building demolition. Even in circumstances where advance notification to or approval from USEPA is not required before the demolition activity, the disposal of PCBs waste is regulated under Toxic Substances Control Act (TSCA).

Additionally, the disposal of PCBs waste is subject to California Code of Regulations (CCR) California Code of Regulations (CCR) Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators.

Building owners and employers need to consider worker and public safety during work involving hazardous materials and wastes including PCBs.

### ***Federal and State Regulations***

Building materials containing PCBs at or above 50 ppm that were manufactured with PCBs (e.g., caulk, joint sealants, paint) fall under the category of PCBs bulk product wastes. See 40 Code of Federal Regulations (CFR) 761.3 for a definition of PCBs bulk product wastes.

Building materials such as concrete, brick, metal contaminated with PCBs are PCBs remediation wastes (e.g., concrete contaminated with PCBs from caulk that contains PCBs). 40 CFR 761.3 defines PCBs remediation wastes.

Disposal of PCBs wastes are subject to TSCA requirements such as manifesting of the waste for transportation and disposal. See 40 CFR 761 and 40 CFR 761, Subpart K.

TSCA-regulated does not equate solely to materials containing PCBs at or above 50 ppm. There are circumstances in which materials containing PCBs below 50 ppm are subject to regulation under TSCA. See 40 CFR 761.61(a)(5)(i)(B)(2)(ii).

Disposal of PCBs wastes are subject to California Code of Regulations (CCR) Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators.

California hazardous waste regulatory levels for PCBs are 5 ppm based on the Soluble Threshold Limit Concentration test and 50 ppm based on the Total Threshold Limit Concentration test, see CCR, Title 22, Section 66261.24, Table III.

## Agency Contacts

Applicants should contact the appropriate agencies and review the relevant guidance and information about PCBs in building materials. Municipal staff are not able to advise you on the requirements of the applicable federal and state laws.

Agency	Contact	Useful Links
US Environmental Protection Agency	Steve Armann (415) 972-3352 <a href="mailto:armann.steve@epa.gov">armann.steve@epa.gov</a>	<a href="https://www.epa.gov/pcbs">https://www.epa.gov/pcbs</a> (EPA PCB website)  <a href="https://www.epa.gov/pcbs/questions-and-answers-about-polychlorinated-biphenyls-pcbs-building-materials">https://www.epa.gov/pcbs/questions-and-answers-about-polychlorinated-biphenyls-pcbs-building-materials</a> (PCBs in Building Materials Fact Sheet and Q/A Document)  <a href="https://www.epa.gov/pcbs/pcb-facility-approval-streamlining-toolbox-fast-streamlining-cleanup-approval-process">https://www.epa.gov/pcbs/pcb-facility-approval-streamlining-toolbox-fast-streamlining-cleanup-approval-process</a> (USEPA PCB Facility Approval Streamlining Toolbox (PCB FAST))  <a href="https://www.epa.gov/pcbs/polychlorinated-biphenyls-pcbs-building-materials#Test-Methods">https://www.epa.gov/pcbs/polychlorinated-biphenyls-pcbs-building-materials#Test-Methods</a> (See Information for Contractors Working in Older Buildings that May Contain PCBs)
San Francisco Bay Regional Water Quality Control Board	Jan O'Hara (510) 622-5681 <a href="mailto:Janet.O'Hara@waterboards.ca.gov">Janet.O'Hara@waterboards.ca.gov</a>  Cheryl Prowell (510) 622-2408 <a href="mailto:Cheryl.Prowell@waterboards.ca.gov">Cheryl.Prowell@waterboards.ca.gov</a>	<a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/sfbaypcbstmdl.shtml">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/sfbaypcbstmdl.shtml</a>  <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanupprogram.html">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanupprogram.html</a>
Department of Toxic Substances Control	Regulatory Assistance Office 1-800-72TOXIC <a href="mailto:RAO@dtsc.ca.gov">RAO@dtsc.ca.gov</a>	<a href="http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/PUB_SMP_Guide-to-Selecting-a-Consultant.pdf">http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/PUB_SMP_Guide-to-Selecting-a-Consultant.pdf</a>
California Division of Occupational Safety and Health (known as Cal/OSHA)	CalOSHA Consultations Services 1-800-963-9424	<a href="https://www.dir.ca.gov/dosh/consultation.html">https://www.dir.ca.gov/dosh/consultation.html</a>

**Attachment A**  
**Process Flow Chart**

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**Attachment B**  
**PCBs in Priority Building Materials Screening**  
**Assessment Form**

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**Attachment C**  
**Protocol for Evaluating Priority PCBs-Containing**  
**Materials before Building Demolition**

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# PCBs Screening Assessment Form

For Municipality Use Only

Date Received	
File #	

This screening process is part of a program for water quality protection and was designed in accordance with requirements in the Bay Area regional municipal stormwater NPDES permit (referred to as the Municipal Regional Permit). This process **does not** address other environmental programs or regulations (e.g., PCBs regulations under the Toxic Substances Control Act (TSCA); federal, state, or local regulations for hazardous material handling and hazardous waste disposal; health and safety practices to mitigate human exposure to PCBs or other hazardous materials; recycling mandates; or abatement at sites with PCBs or other contaminants). **The applicant is responsible for knowing and complying with all relevant laws and regulations. See Notices to Applicants section in the Applicant Instructions and at the end of this form.**

**Complete all applicable parts of the PCBs Screening Assessment Form and submit with your demolition permit application.**

**All Applicants must complete Part 1 and Part 2.**

Part 1. Owner/Consultant and project information		
Owner Information		
Name		
Address		
City	State	Zip
Contact (Agent)		
Phone	Email	
Consultant Information		
Firm Name		
Address		
City	State	Zip
Contact Person		
Phone	Email	
Project Location		
Address		
City	State CA	Zip
APN (s)		
Year Building was Built	Type of Construction	
Estimated Demolition Date		

**Part 2. Is building subject to the PCBs screening requirement based on type, use, and age of the building?**

2.a Is the building to be demolished wood framed and/or single family residential?  Yes  No

If the answer to question 2.a is **Yes**, the PCBs Screening Assessment is complete, skip to Part 4. If the answer is **No**, continue to Question 2.b.

2.b Was the building to be demolished constructed or remodeled between January 1, 1950 and December 31, 1980?  Yes  No

➤ If the answer to Question 2.b is **No** the PCBs Screening Assessment is complete, skip to Part 4. If the answer is **Yes**, continue to Question 2.c.

2.c Is the proposed demolition a complete demolition of the building?  Yes  No

➤ If the answer to Question 2.c is **No** the PCBs Screening Assessment is complete, skip to Part 4. If the answer is **Yes**, complete Part 3.

**All applications affecting applicable structures and demolitions must complete Part 3 and the Part 3 Tables.**

**Part 3. Report concentrations of PCBs in priority building materials**

**Option 1.** Applicants conducted representative sampling and analysis of the priority building materials per the Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (2018) (Attachment C).

**Option 2.** Applicants possess existing sample results that are that are consistent with the Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (2018) (Attachment C).

3.a Select option and report PCBs concentrations in the priority building materials and the source of data for each of the priority building materials. Provide the required supporting information

- Option 1 Conduct Representative Sampling
- Summarize results on Part 3 Tables; and
  - Provide the following supporting information:
    - Contractor’s report documenting the assessment results;
    - QA/QC checklist (see Attachment C, section 3.2.4); and
    - Copies of the analytical data reports.

- Option 2 Use Existing Sampling Records
- Summarize results on Part 3 Tables; and
  - Provide the following supporting information:
    - Contractor’s report/statement that the results are consistent with the Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition.
    - Copies of the analytical data reports.

**All Applicants must complete Part 4.**

**Part 4. Certification**

I certify that the information provided in this form is, to the best of my knowledge and belief, true, accurate, and complete. I further certify that I understand my responsibility for knowing and complying with all relevant laws and regulations related to reporting, abating, and handling and disposing of PCBs materials and wastes. I understand there are significant penalties for submitting false information. I will retain a copy of this form and the supporting documentation for at least 5 years.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Property Owner//Agent/Legal Representative)

Print/Type: \_\_\_\_\_  
(Property Owner/Agent/Legal Representative Name)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Consultant Completing Application Form)

Print/Type: \_\_\_\_\_  
(Consultant Completing Application Form)

## Notices to Applicants Regarding Federal and State PCBs Regulations

Applicants that determine PCBs exist in building materials must follow applicable federal and state laws. This may include reporting to U.S. Environmental Protection Agency (USEPA), the San Francisco Bay Regional Water Quality Control Board, and the California Department of Toxic Substances Control (DTSC). These agencies may require additional sampling and abatement of PCBs. Depending on the approach for sampling and removing building materials containing PCBs, you may need to notify or seek advance approval from USEPA before building demolition. Even in circumstances where advance notification to or approval from USEPA is not required before the demolition activity, the disposal of PCBs waste is regulated under TSCA and the California Code of Regulations. (See Note 1)

### **Note 1 - Federal and State Regulations**

Building materials containing PCBs at or above 50 ppm that were manufactured with PCBs (e.g., caulk, joint sealants, paint) fall under the category of PCBs bulk product wastes. See 40 Code of Federal Regulations (CFR) 761.3 for a definition of PCBs bulk product wastes.

Building materials such as concrete, brick, metal contaminated with PCBs are PCBs remediation wastes (e.g., concrete contaminated with PCBs from caulk that contains PCBs). 40 CFR 761.3 defines PCBs remediation wastes.

Disposal of PCBs wastes are subject to TSCA requirements such as manifesting of the waste for transportation and disposal. See 40 CFR 761 and 40 CFR 761, Subpart K.

TSCA-regulated does not equate solely to materials containing PCBs at or above 50 ppm. There are circumstances in which materials containing PCBs below 50 ppm are subject to regulation under TSCA. See 40 CFR 761.61(a)(5)(i)(B)(2)(ii).

Disposal of PCBs wastes are subject to California Code of Regulations (CCR) Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators.

California hazardous waste regulatory levels for PCBs are 5 ppm based on the Soluble Threshold Limit Concentration test and 50 ppm based on the Total Threshold Limit Concentration test, see CCR, Title 22, Section 66261.24, Table III.

Agency	Contact	Useful Links
US Environmental Protection Agency	Steve Armann (415) 972-3352 <a href="mailto:armann.steve@epa.gov">armann.steve@epa.gov</a>	<a href="https://www.epa.gov/pcbs">https://www.epa.gov/pcbs</a> (EPA PCBs website)  <a href="https://www.epa.gov/pcbs/questions-and-answers-about-polychlorinated-biphenyls-pcbs-building-materials">https://www.epa.gov/pcbs/questions-and-answers-about-polychlorinated-biphenyls-pcbs-building-materials</a> (PCBs in Building Materials Fact Sheet and Q/A Document)  <a href="https://www.epa.gov/pcbs/pcb-facility-approval-streamlining-toolbox-fast-streamlining-cleanup-approval-process">https://www.epa.gov/pcbs/pcb-facility-approval-streamlining-toolbox-fast-streamlining-cleanup-approval-process</a> (USEPA PCB Facility Approval Streamlining Toolbox (PCB FAST))  <a href="https://www.epa.gov/pcbs/polychlorinated-biphenyls-pcbs-building-materials#Test-Methods">https://www.epa.gov/pcbs/polychlorinated-biphenyls-pcbs-building-materials#Test-Methods</a> (See Information for Contractors Working in Older Buildings that May Contain PCBs)
San Francisco Bay Regional Water Quality Control Board	Jan O'Hara (510) 622-5681 <a href="mailto:Janet.O'Hara@waterboards.ca.gov">Janet.O'Hara@waterboards.ca.gov</a>  Cheryl Prowell (510) 622-2408 <a href="mailto:Cheryl.Prowell@waterboards.ca.gov">Cheryl.Prowell@waterboards.ca.gov</a>	<a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/sfbaypcbstmtl.shtml">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/sfbaypcbstmtl.shtml</a>  <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/site_cleanupprogram.html">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/site_cleanupprogram.html</a>
Department of Toxic Substances Control	Regulatory Assistance Office 1-800-72TOXIC <a href="mailto:RAO@dtsc.ca.gov">RAO@dtsc.ca.gov</a>	<a href="http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/PUB_SMP_Guide-to-Selecting-a-Consultant.pdf">http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/PUB_SMP_Guide-to-Selecting-a-Consultant.pdf</a>
California Division of Occupational Safety and Health (Cal/OSHA)	CalOSHA Consultations Services 1-800-963-9424	<a href="https://www.dir.ca.gov/dosh/consultation.html">https://www.dir.ca.gov/dosh/consultation.html</a>

**Part 3 Caulk Applications Table**

**Column 1.** Report all PCBs concentrations for each homogenous area of caulking area (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report.

**Column 2.** Complete for each concentration  $\geq 50$  ppm

<u>Caulk Application Sample Description</u>	<u>Concentration (mg/kg)</u>	<u>Estimate Amount of Material</u>	<u>Units</u>
<i>Example:</i>			
<i>Caulk Sample 1</i>	<i>320</i>	<i>48</i>	<i>Linear Feet</i>
1. _____	_____	_____	Linear Feet
2. _____	_____	_____	Linear Feet
3. _____	_____	_____	Linear Feet
4. _____	_____	_____	Linear Feet
5. _____	_____	_____	Linear Feet
6. _____	_____	_____	Linear Feet
7. _____	_____	_____	Linear Feet
8. _____	_____	_____	Linear Feet
9. _____	_____	_____	Linear Feet
10. _____	_____	_____	Linear Feet

*Duplicate page if additional space is needed.*

**Part 3 Fiberglass Insulation Applications Table**

**Column 1.** Report all PCBs concentrations for each homogenous area of fiberglass insulation (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report.

**Column 2.** Complete for each concentration  $\geq 50$  mg/kg

<u>Fiberglass Insulation Application Sample Description</u>	<u>Concentration (mg/kg)</u>	<u>Estimate Amount of Material</u>	<u>Units</u>
<i>Example:</i>			
<i>Fiberglass Insulation Sample 1</i>	78	86	Square Feet
1. _____	_____	_____	Square Feet
2. _____	_____	_____	Square Feet
3. _____	_____	_____	Square Feet
4. _____	_____	_____	Square Feet
5. _____	_____	_____	Square Feet
6. _____	_____	_____	Square Feet
7. _____	_____	_____	Square Feet
8. _____	_____	_____	Square Feet
9. _____	_____	_____	Square Feet
10. _____	_____	_____	Square Feet

To estimate the square footage of insulation wrapped around pipes use the formula to calculate the lateral area of a cylinder  $2\pi rh$ . Where  $r$  is the pipe radius and  $h$  is the pipe length. Duplicate page if additional space is needed.

**Part 3 Thermal Insulation Applications Table**

**Column 1.** Report all PCBs concentrations for each homogenous area of thermal insulation (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report.

**Column 2.** Complete for each concentration  $\geq 50$  mg/kg

<u>Thermal Insulation Application Sample Description</u>	<u>Concentration (mg/kg)</u>	<u>Estimate Amount of Material</u>	<u>Units</u>
<i>Example:</i>			
<i>Thermal Insulation Sample 1</i>	20	_____	Square Feet
1. _____	_____	_____	Square Feet
2. _____	_____	_____	Square Feet
3. _____	_____	_____	Square Feet
4. _____	_____	_____	Square Feet
5. _____	_____	_____	Square Feet
6. _____	_____	_____	Square Feet
7. _____	_____	_____	Linear Feet
8. _____	_____	_____	Square Feet
9. _____	_____	_____	Square Feet
10. _____	_____	_____	Square Feet

To estimate the square footage of insulation wrapped around pipes use the formula to calculate the lateral area of a cylinder  $2\pi rh$ . Where  $r$  is the pipe radius and  $h$  is the pipe length. Duplicate page if additional space is needed.

**Part 3 Adhesive Mastic Applications Table**

**Column 1.** Report PCBs concentrations for each homogenous area of mastic (see Attachment C, Section 3.2.2. Use sample designators/descriptions from laboratory report.)

**Column 2.** Complete for each concentration  $\geq 50$  mg/kg

<u>Adhesive Mastic Application Sample Description</u>	<u>Concentration (mg/kg)</u>	<u>Estimate Amount of Material</u>	<u>Units</u>
<i>Example:</i>			
<u>Adhesive Mastic Sample 1</u>	<u>87.4</u>	<u>800</u>	Square Feet
1. _____	_____	_____	Square Feet
2. _____	_____	_____	Square Feet
3. _____	_____	_____	Square Feet
4. _____	_____	_____	Square Feet
5. _____	_____	_____	Square Feet
6. _____	_____	_____	Square Feet
7. _____	_____	_____	Linear Feet
8. _____	_____	_____	Square Feet
9. _____	_____	_____	Square Feet
10. _____	_____	_____	Square Feet

*Duplicate page if additional space is needed.*

**Part 3 Rubber Window Gasket Applications Table**

**Column 1.** Report PCBs concentrations for each gasket (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report.

**Column 2.** Complete for each concentration  $\geq 50$  mg/kg

<u>Rubber Window Gasket Application Sample Description</u>	<u>Concentration (mg/kg)</u>	<u>Estimate Amount of Material</u>	<u>Units</u>
<i>Example:</i>			
<i>Window Gasket Sample 1</i>	70	75	Linear Feet
1. _____	_____	_____	Linear Feet
2. _____	_____	_____	Linear Feet
3. _____	_____	_____	Linear Feet
4. _____	_____	_____	Linear Feet
5. _____	_____	_____	Linear Feet
6. _____	_____	_____	Linear Feet
7. _____	_____	_____	Linear Feet
8. _____	_____	_____	Linear Feet
9. _____	_____	_____	Linear Feet
10. _____	_____	_____	Linear Feet

*Duplicate page if additional space is needed.*

**Part 3 Other Materials Table**

**Column 1.** *Optional: Use this form to report PCBs concentration data from materials other than priority building materials. Report PCBs concentrations for each material and homogeneous area. Use sample designators/descriptions from laboratory report.*

**Column 2.** *Complete for each concentration  $\geq 50$  mg/kg*

<u>Material Sample Description</u>	<u>Concentration (mg/kg)</u>	<u>Estimate Amount of Material</u>	<u>Units</u>
<i>Example:</i>			
<i>Wall paint Sample 1</i>	<i>228</i>	<i>1500</i>	<i>Square Feet</i>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____

*Duplicate page if additional space is needed.*