

RESOLUTION 2019-

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS ADOPTING REQUIREMENTS FOR MANAGING BUILDING
MATERIALS THAT POTENTIALLY CONTAIN POLYCHLORINATED BIPHENYLS**

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 in stormwater runoff; and

WHEREAS, the San Francisco Bay Regional Water Quality Control Board adopted on November 19, 2015 the reissued Municipal Regional Permit (MRP), 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, to reduce discharges of PCBs in stormwater runoff to the San Francisco Bay; and

WHEREAS, the MRP requires the permittees, including the Town, to implement requirements 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

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

NOW, THEREFORE, BE IT RESOLVED, the Town Council of the Town of Los Gatos hereby adopts requirements to manage PCBs in building materials during demolition.

BE IT FURTHER RESOLVED, that the Town Council authorizes the Chief Building Official to implement regulations and procedures to manage the requirements including conditions of approval, demolition permit requirements, and/or construction and demolition waste management forms.

BE IT FURTHER RESOLVED, that this is not a project defined under CEQA and no further action is required.

BE IT FURTHER RESOLVED, that the Chief Building Official will develop the appropriate permit fees and/or other cost recovery mechanisms as needed for subsequent Town Council approval and insertion into the Town of Los Gatos’s comprehensive fee schedule at a later date.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 20th day of August, 2019 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____