



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/20/2019

ITEM NO: 11

DATE: August 12, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Regarding Regulatory Management of Building Materials that Potentially Contain Polychlorinated Biphenyls (PCBs)

RECOMMENDATION:

Adopt the attached resolution regarding regulatory management of building materials that potentially contain polychlorinated biphenyls (PCBs).

BACKGROUND:

Water quality within the San Francisco Bay Region is regulated by the Regional Water Quality Control Board. The San Francisco Bay Region encompasses portions of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma Counties. In 2015, the Regional Water Quality Control Board reissued the Municipal Regional Permit (MRP), a National Pollutant Discharge Elimination System (NPDES) permit that regulates discharges of stormwater runoff. The MRP included provisions that implement the requirements to reduce discharges of PCBs in stormwater runoff to the Bay..

Accordingly, regulatory agencies are requiring that Bay Area municipalities address sources of PCBs in stormwater runoff discharged to the Bay from building materials. A PCBs in Priority Building Materials Screening Assessment determined materials that may contain relatively high levels of PCBs, especially for buildings constructed or remodeled from January 1, 1950 to December 31, 1980. During demolition, these building materials and associated PCBs may be released to the environment and transported to the Bay by stormwater runoff. The priority building materials are caulking, thermal/fiberglass insulation, adhesive/mastic, and rubber window gaskets.

PREPARED BY: Robert Gray
Chief Building Official

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

SUBJECT: Adopt a resolution regarding management of building materials that potentially contain polychlorinated biphenyls (PCBs)

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BACKGROUND (continued):

As a result, the Town's MRP requires that municipalities adopt and implement new programs to address PCBs in building materials by July 1, 2019. Staff has implemented the Priority Building Materials Screening Assessment prior to this Council consideration and to date, no applicable structure demolitions have been submitted.

DISCUSSION:

Attachment 1 contains a Resolution that would establish the Town's program as required. The intent is to evaluate the potential for the priority building materials with PCBs in a manner similar to the process currently implemented for asbestos-containing materials. The program would require the Town to notify demolition permit applicants about the new requirement to conduct a PCBs in Priority Building Materials Screening Assessment. The Assessment would determine whether: 1) the building proposed for demolition is a high priority for PCBs containing building materials based on the building age, use, and construction type; and if so 2) to demonstrate 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.

DISCUSSION (continued):

It is anticipated that many projects will not involve the demolition of applicable structures. Demolition permit applicants for projects that do not involve applicable structures will only need to address the initial screening questions and certify the answers. 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 certain concentrations.

If the PCBs in Priority Building Materials Screening Assessment identifies one or more Priority Building Materials with PCBs, the applicant must comply with all applicable federal and state laws, including potential notification of the appropriate regulatory agencies, including the EPA, Regional Water Board, and/or Department of Toxic Substances Control. Additional sampling for and abatement of PCBs may also be required.

The focus of PCBs in Priority Building Materials Screening Assessment 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; or
- Establish remediation standards.

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DISCUSSION (continued):

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

FISCAL IMPACT:

There is no fiscal impact to the Town however, applicants for certain projects which fall under this regulation may incur additional costs.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachment:

1. Draft Resolution