



PUBLIC WORKS DEPARTMENT

CITY HALL

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EFFECTIVE DATE: July 1, 2023

SUBJECT

Polychlorinated biphenyls (PCBs) in Priority Building Materials Demolition Management Policy

PURPOSE

To provide general guidelines and consistency as to when and how staff will implement the City's PCBs management policy pertaining to demolition of qualifying structures. This policy will establish the necessary authority to implement the provisions of the Bay Area Municipal Regional Stormwater Permit (MRP) Sections C.12.g.

POLICY

The City's PCBs in Priority Building Materials Demolition Management Policy provides the required authority for the City of Cupertino to meet the requirements of Provision C.12.g of the MRP issued by the San Francisco Bay Regional Water Quality Control Board. Provision C.12.g requires co-permittees to manage priority PCBs-containing building materials during demolition of applicable structures. Applicable structures are buildings constructed or remodeled from January 1, 1950, to December 31, 1980. Remodeling without demolition of a structure, wood framed structures, and single-family residence demolition projects are exempt from this requirement.

This policy, the provisions of the Cupertino Municipal Code (CMC) (§9.18.), and the MRP require building demolition permit applicants to conduct a Screening Assessment for PCBs in Priority Building Materials and submit information documenting the results of the screening to the City for all demolition permits, prior to issuance of the permit. Such documentation includes:

- (1) the results of a determination of whether the building proposed for demolition is high priority for PCBs-containing building materials based on the structure age, use, and construction;
- (2) the concentration of PCBs in each Priority Building Material present;
- (3) for each Priority Building Material present with a PCBs concentration equal to or greater than 50 ppm, the amount (linear feet or square feet) of that material in the building;

- (4) notification of the City, Regional Water Quality Control Board, and the United States Environmental Protection Agency at least one week prior to demolition beginning;
- (5) providing written evidence with a hazardous waste manifest(s) documenting legal disposal of PCB laden materials.

The PCBs in Priority Building Materials Screening Assessment application shall be included with the Building Demolition Permit application. If the project includes the demolition of multiple buildings under one permit, a Screening Assessment Form is required for each building.

Applicants will be required to follow the directions provided on the City's website at www.cupertino.org/greendev located in the PCBs in Priority Building Materials Screening Assessment Applicant Package (Applicant Package). The assessment shall include conducting representative sampling of the priority building materials and analyzing the samples 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 which is stipulated in the applicant package.

Demolition permit applications for applicable structures with PCBs present in one or more of the Priority Building Materials (based on the above screening assessment) must comply with all related applicable federal and state laws. This may include reporting to the U.S. EPA, the San Francisco Bay Regional Water Quality Control Board, and/or the California Department of Toxic Substances Control. Additional sampling for and abatement of PCBs may be required. Projects determined to have priority building materials with PCBs exceeding 50 ppm, are required to provide enhanced erosion control, sediment control and good housekeeping Best Management Practices (BMPs) to minimize migration of PCBs from the project site to the storm drain system. The City will conduct inspections prior to and during demolition activities of these BMPs to verify sufficient site management.

The City of Cupertino's PCBs Management Policy and program is administered by the Public Works Department, Environmental Programs Division.

PERMIT RESTRICTIONS

No permit for demolition will be issued until all conditions for PCBs screening and sampling have been satisfied. No final inspection will be conducted until the permit applicant has certified all required hazardous waste manifests and documentation, as required by the City, Regional Water Board, and the U.S. EPA, have been submitted.

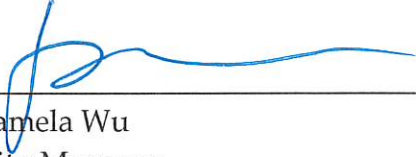
EXEMPTIONS

Remodeling without demolition of the structure, wood framed structures, and single-family residence demolition projects are exempt from this policy.

ATTACHMENT

1. Policy Definitions

APPROVED

A handwritten signature in blue ink, consisting of a stylized 'P' followed by a long horizontal stroke.

Pamela Wu
City Manager

Attachment 1

POLICY DEFINITIONS

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

CMC §9.18.010 Purpose of Chapter (9.18: Stormwater Pollution Prevention and Watershed Protection).

The U.S. Environmental Protection Agency has identified urban stormwater runoff as the leading cause of water pollution in the United States. Section 402(p) of the federal Clean Water Act, as amended by the Water Quality Act of 1987, requires National Pollution Discharge Elimination System (NPDES) permits for stormwater discharges from municipal separate storm sewer systems (MS4s), stormwater discharges associated with industrial activity (including construction activities), and designated stormwater discharges, which are considered significant contributors of pollutants to waters of the United States. As a result, the California Regional Water Quality Control Board, San Francisco Bay Region has issued a Municipal Regional Stormwater Discharge NPDES permit to the City of Cupertino and to seventy-six other agencies and entities that discharge stormwater runoff to San Francisco Bay. This Municipal Regional Stormwater NPDES Permit requires that the City of Cupertino implement a Stormwater Management Program to prevent exceedances of water quality objectives and ensure that discharges do not cause, threaten to cause, or contribute to water quality impairment of waters of the State, specifically local waterways and San Francisco Bay. The purpose of this chapter is to provide regulations and give legal effect to certain requirements of the Municipal Regional Permit issued to the City of Cupertino on October 14, 2009 (Effective December 1, 2009), and to ensure ongoing compliance with the most recent version of the City of Cupertino's NPDES permit regarding municipal stormwater and urban runoff requirements. This chapter shall apply to all water entering the storm drain system generated on any private, public, developed and undeveloped lands lying within the City. This chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and any applicable implementing regulations, as they exist at the time of enactment or as later amended.

Enactment of this chapter falls within the goals stated in the City's General Plan, sections 5-32 through 5-37 (Urban Runoff Pollution) and the scope of the City of Cupertino police powers to protect the health, safety, and welfare of its residents. Nothing in this chapter is intended to preclude more stringent federal or state regulation of any activity covered by this chapter.

(Ord. 2088, § 1 (part), 2012; Ord. 1982, § 1 (part), 2006; Ord. 1967, § 1 (part), 2005; Ord. 1922, § 1 (part), 2003; Ord. 1598, § 1 (part), 1992)

9.18.040 Discharge into the Storm Drain Prohibited.

A. It is unlawful to cause, allow, or permit to be discharged, any discharge not composed entirely of stormwater to the storm drain system or to surface waters or to any location where it would contact or eventually be transported to surface waters, including flood plain areas, unless specifically called out in the Municipal Regional Permit as an exempt or conditionally exempt discharge.

B. It is unlawful to cause or allow discharges including, but not limited to pool water, carwash water, ongoing and large-volume landscape irrigation water, sediment, stockpiled material, rubbish, refuse, bark, sawdust, solid wastes or hazardous materials to be deposited in such a manner or location as to constitute a threatened discharge into storm drains, gutters, or watercourses.

C. It is unlawful to throw, deposit, leave, abandon, maintain or keep materials or wastes on public or private lands in a manner and place where they may result in a "threatened discharge" or an illicit discharge.

16.02.150 Permit Required. Amend Section [A] 105.3 of the 2016 California Building Code as follows:

[A] 105.3 Application for permit.

Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the City for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

Priority Building Materials:

- a. Caulking: e.g., around windows and doors, at structure/walkway interfaces, and in expansion joints;
- b. Thermal/Fiberglass Insulation: e.g., around HVAC systems, heaters, boilers, heated transfer piping, and inside wall or crawl spaces;
- c. Adhesive/Mastic: e.g., below carpet and floor tiles, under roofing materials, and under flashing; and
- d. Rubber Window Gaskets: e.g., used in lieu of caulking to seal around windows in steel framed buildings.