

**RESOLUTION NO. 17-19**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,  
CALIFORNIA, 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**

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**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), a National Pollutant Discharge Elimination System (NPDES) permit that regulates discharges of stormwater runoff from municipal separate storm sewers systems (MS4s); and

**WHEREAS**, 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 City of Richmond, to reduce discharges of PCBs in stormwater runoff to the San Francisco Bay; and

**WHEREAS**, the MRP requires the Permittees, including the City of Richmond, 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

**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.

**NOW, THEREFORE, BE IT RESOLVED** that, the Council of the City of Richmond hereby adopts a program to manage PCBs in building materials during demolition.

**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.

**BE IT FURTHER RESOLVED** that pursuant to Section 15308 of the California Environmental Quality Act (CEQA) Guidelines, the program to manage PCBs in building materials during demolition is found to be exempt from the CEQA of 1970, as amended, since no unacceptable negative impacts have been identified.

**BE IT FURTHER RESOLVED** that appropriate permit fees and/or other cost recovery mechanisms will be applicable as included in the master fee schedule.

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held April 16, 2019, by the following vote:

AYES:	Councilmembers Bates, Johnson, Myrick, Willis, Vice Chair Choi, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	Councilmember Martinez.

PAMELA CHRISTIAN  
CLERK OF THE CITY OF RICHMOND  
 (SEAL)

Approved:

TOM BUTT  
 Mayor

Approved as to form:

BRUCE GOODMILLER  
 City Attorney

State of California	}	
County of Contra Costa	}	: ss.
City of Richmond	}	

I certify that the foregoing is a true copy of **Resolution No. 17-19**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on April 16, 2019.

  
Pamela Christian, Clerk of the City of Richmond