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ORDINANCE NO. 2021-07

**AN ORDINANCE OF THE ALBANY CITY COUNCIL TO AUTHORIZE
MANAGEMENT OF PCB-CONTAINING MATERIALS AND
WASTES DURING BUILDING DEMOLITION**

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

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

WHEREAS, PCBs were an ingredient in building materials between 1950 and 1980, and during demolition, these building materials may be released to the environment enter stormwater runoff; and

WHEREAS, water quality within the San Francisco Bay Region is regulated by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board); and

WHEREAS, the Regional Water Board reissued the National Pollutant Discharge Elimination System (NPDES) permit or Municipal Regional Permit (MRP) that regulates discharges of stormwater runoff. The MRP includes provisions to reduce discharges of PCBs in stormwater runoff to the Bay; and

WHEREAS, Provision C.12.f.(ii) of the NPDES permit authorizes municipalities to develop programs to manage PCBs-containing building materials during demolition so that PCBs do not enter municipal storm drain systems; and

1 **WHEREAS**, the NPDES permit requires that demolition permits for buildings that were
2 built or remodeled during the period from January 1, 1950 to December 31, 1980 be screened for
3 the presence of PCBs in priority building materials; and
4

5 **WHEREAS**, remodeling projects, partial demolition, wood framed structures, and single-
6 family residence demolition projects are exempt from screening for the presence of PCBs; and
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8
9 **WHEREAS**, this ordinance is categorically exempt from the requirements of the
10 California Environmental Quality Act (CEQA) pursuant to Section 15308 of CEQA Guidelines,
11 which exempts actions taken by regulatory agencies to assure the maintenance, restoration,
12 enhancement, or protection of the environment.

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14 **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS FOLLOWS:**

15 **SECTION 1: CHAPTER 12-8 OF THE ALBANY MUNICIPAL CODE, TITLED**
16 **“RESERVED” IS HEREBY AMENDED AS FOLLOWS:**

17 Section 12-8 - Management of PCB-Containing Materials and Wastes During Building
18 Demolition

19 a. The Community Development Director is authorized to develop and implement regulatory
20 procedures to require the management of materials with PCBs (polychlorinated biphenyls) in
21 applicable structures at the time such structures undergo demolition so that PCBs do not enter the
22 storm water system.

23 b. Regulatory thresholds including concentration levels and applicable structures shall be
24 based on the requirements of the California Regional Water Quality Control Board San Francisco
25 Bay Region Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination
26 System) Permit as it may be amended from time to time.

27 c. Regulatory procedures shall utilize guidance and tools prepared by the Bay Area Storm
28 Water Management Agencies Association entitled “PCBs in Priority Building Materials: Model
Screening Assessment Applicant Package” as it may be amended from time to time.

1 **SECTION 2: PUBLICATION AND EFFECTIVE DATE.**

2 This ordinance shall be posted at three public places within the City of Albany and shall
3 become effective thirty (30) days after the date of its posting.
4

5 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on
6 the 3rd day of May 2021, by the following vote:
7

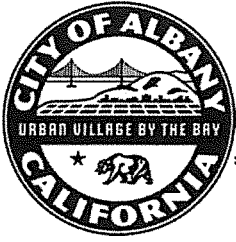
8
9 AYES: Council Members Jordan, McQuaid, Nason, Tiedemann and Mayor Gary

10 NOES:

11 ABSENT:

12 ABSTAIN:

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15 _____
16 GE'NELL GARY, MAYOR
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City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

ORDINANCE NO. 2021-07

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 3rd day of May, 2021, by the following votes:

AYES: Council Members Jordan, McQuaid, Nason, Tiedemann and Mayor Gary

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 4th
day of May, 2021.

Anne Hsu
CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.