PCBs in Priority Building Materials: Screening Assessment Applicant Package

Managing PCBs—Containing Building Materials during Demolition

Please note: This packet contains relevant excerpts from a larger document. Page numbers are not sequential.

Bay Area Stormwater Management Agencies Association

August 2018
Process Overview

This document provides a model PCBs in Priority Building Materials Screening Assessment process to be conducted by demolition project proponents (applicants). A flow chart illustrating the above processes is provided in Attachment A.

Applicants proposing to demolish buildings must conduct the PCBs screening assessment. Through the PCBs screening assessment applicants will:

1) Determine whether the building proposed for demolition is likely to have PCBs-containing building materials (see discussion of applicable structure); and
2) Determine whether PCBs are present at a concentration equal to or greater than 50 parts per million (ppm) in building materials.

Use the PCBs Screening Assessment Form (Attachment B) to summarize and certify the information required by the municipality to issue the demolition permit. The form is divided into four parts:

- **Part 1** provide applicant information and project location.
- **Part 2** complete the questions to identify whether the project involves an applicable structure. If the demolition does not involve an applicable structure, the form may be certified and submitted without completing Part 3.
- **Part 3** complete the questions to provide the concentrations of PCBs in any priority building materials.
- **Part 4** certify the information being submitted.

Note that fluorescent light ballasts, polyurethane foam furniture, and Askarel fluid used in transformers, all of which may contain PCBs, are typically managed during pre-demolition activities under current regulations and programs that require removal of universal waste and outdated transformers. For this process it is assumed that those materials will be evaluated and managed under those existing programs.

Water quality within the San Francisco Bay Region is regulated by the San Francisco Bay Area Regional Water Quality Control Board (Regional Water Board).

In 2015, the Regional Water Board reissued the Municipal Regional Permit (MRP)\(^1\) that regulates discharges of stormwater runoff. The MRP includes provisions for reducing discharges of polychlorinated biphenyls (PCBs) in stormwater runoff and requires municipalities to develop a program to manage priority PCBs-containing building materials during demolition and implement the program by July 1, 2019.

Existing federal and state regulations create the framework for managing PCBs in building materials once those PCBs are identified through this program and for disposing of wastes containing PCBs.

This screening process is part of a program for water quality protection and was designed in accordance with requirements in the MRP.\(^1\) It does not address other environmental programs or regulations (e.g., PCBs regulations under the Toxic Substances Control Act (TSCA); federal, state, or local regulations for hazardous material handling and hazardous waste disposal; health and safety practices to mitigate human exposure to PCBs or other hazardous materials; recycling mandates; or abatement at sites with PCBs (or other contaminants). The applicant is responsible for complying with all relevant laws and regulations. See the Notices to Applicants section for additional information.

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\(^1\) A National Pollutant Discharge Elimination System (NPDES) permit, Order No. R2-2015-0049, issued to municipalities in the counties of Alameda, Contra Costa, San Mateo, and Santa Clara, and the Cities of Fairfield, Suisun City, and Vallejo.
Notices to Applicants Regarding Federal and State PCBs Regulations

Applicants that determine PCBs exist in priority building materials must follow applicable federal and state laws. This may include reporting to U.S. Environmental Protection Agency (USEPA), the San Francisco Bay Regional Water Quality Control Board, and the California Department of Toxic Substances Control (DTSC). These agencies may require additional sampling and abatement of PCBs.

Depending on the approach for sampling and removing building materials containing PCBs, you may need to notify or seek advance approval from USEPA before building demolition. Even in circumstances where advance notification to or approval from USEPA is not required before the demolition activity, the disposal of PCBs waste is regulated under Toxic Substances Control Act (TSCA).

Additionally, the disposal of PCBs waste is subject to California Code of Regulations (CCR) California Code of Regulations (CCR) Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators.

Building owners and employers need to consider worker and public safety during work involving hazardous materials and wastes including PCBs.

**Federal and State Regulations**

Building materials containing PCBs at or above 50 ppm that were manufactured with PCBs (e.g., caulk, joint sealants, paint) fall under the category of PCBs bulk product wastes. See 40 Code of Federal Regulations (CFR) 761.3 for a definition of PCBs bulk product wastes.

Building materials such as concrete, brick, metal contaminated with PCBs are PCBs remediation wastes (e.g., concrete contaminated with PCBs from caulk that contains PCBs). 40 CFR 761.3 defines PCBs remediation wastes.

Disposal of PCBs wastes are subject to TSCA requirements such as manifesting of the waste for transportation and disposal. See 40 CFR 761 and 40 CFR 761, Subpart K.

TSCA-regulated does not equate solely to materials containing PCBs at or above 50 ppm. There are circumstances in which materials containing PCBs below 50 ppm are subject to regulation under TSCA. See 40 CFR 761.61(a)(5)(i)(B)(2)(ii).

Disposal of PCBs wastes are subject to California Code of Regulations (CCR) Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators.

California hazardous waste regulatory levels for PCBs are 5 ppm based on the Soluble Threshold Limit Concentration test and 50 ppm based on the Total Threshold Limit Concentration test, see CCR, Title 22, Section 66261.24, Table III.
### Agency Contacts

Applicants should contact the appropriate agencies and review the relevant guidance and information about PCBs in building materials. Municipal staff are not able to advise you on the requirements of the applicable federal and state laws.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Contact</th>
<th>Useful Links</th>
</tr>
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<tbody>
<tr>
<td>US Environmental Protection Agency</td>
<td>Steve Armann (415) 972-3352 <a href="mailto:armann.steve@epa.gov">armann.steve@epa.gov</a></td>
<td><a href="https://www.epa.gov/pcbs">https://www.epa.gov/pcbs</a> (EPA PCB website)</td>
</tr>
<tr>
<td>San Francisco Bay Regional Water Quality Control Board</td>
<td>Jan O’Hara (510) 622-5681 janet.O'<a href="mailto:Hara@waterboards.ca.gov">Hara@waterboards.ca.gov</a></td>
<td><a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/sfbaypcbstmdl.shtml">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/sfbaypcbstmdl.shtml</a></td>
</tr>
<tr>
<td></td>
<td>Cheryl Prowell (510) 622-2408 <a href="mailto:Cheryl.Prowell@waterboards.ca.gov">Cheryl.Prowell@waterboards.ca.gov</a></td>
<td><a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanupprogram.html">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanupprogram.html</a></td>
</tr>
<tr>
<td>California Division of Occupational Safety and Health (known as Cal/OSHA)</td>
<td>CalOSHA Consultations Services 1-800-963-9424</td>
<td><a href="https://www.dir.ca.gov/dosh/consultation.html">https://www.dir.ca.gov/dosh/consultation.html</a></td>
</tr>
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PCBs in Priority Building Materials Screening Assessment Process

Is the building to be demolished wood framed or a single family residential building?

Was the building to be demolished constructed or remodeled between January 1, 1950 and December 31, 1980?

Is the proposed demolition a complete demolition of the building?


 Applicant may also use available records specific to the priority building materials found in the building to determine PCBs concentrations.

 Do representative sample results or records show PCBs concentrations ≥50 ppm in one or more priority materials?

 Positive screening
 Applicant submits screening form to municipality. Municipality issues demolition permit in accordance with municipal procedures.

 Applicant follows applicable federal and state requirements for notification and abatement. (See Note 1 on reverse side.)

 PCBs Screening Assessment is complete or did not identify PCBs concentrations ≥50 ppm in any priority materials. (See Note 1 on reverse side.) Applicant submits screening form to Municipality and Municipality issues demolition permit in accordance with municipal procedures.
Note 1

- Building materials containing PCBs at or above 50 ppm that were manufactured with PCBs (e.g., caulk, joint sealants, paint) fall under the category of PCBs bulk product wastes. See 40 Code of Federal Regulations (CFR) 761.3 for a definition of PCBs bulk product wastes.

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- Disposal of PCBs wastes are subject to TSCA requirements such as manifesting of the waste for transportation and disposal. See 40 CFR 761 and 40 CFR 761, Subpart K.

- TSCA-regulated does not equate solely to “materials containing PCBs at or above “50 mg/kg.” There are circumstances in which materials containing PCBs below 50 mg/kg are subject to regulation under TSCA. See 40 CFR 761.61(a)(5)(i)(B)(2)(ii).

- Disposal of PCBs wastes are subject to California Code of Regulations (CCR) Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators.

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