



Planning and Development Department  
Toxics Management Division

## **HAZMAT STANDARD REQUIREMENTS FOR BUILDING PERMIT & LAND USE APPLICATIONS**

The Toxics Management Division (TMD) requires the documentation listed below as they apply to your project. The TMD will review your responsive documentation and will charge on an hourly basis. The TMD shall provide comments for the planning process and may require additional environmental documentation or improvements.

### **1. Phase I & Phase II Environmental Site Assessments (per ASTM 1527)**

A recent Phase I ESA (less than 2 years old) shall be submitted to the TMD for developments for:

1. all new commercial, industrial and mixed use developments and all improvement projects that require work 5 or more feet below grade, and
2. all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA).

Any available soils and groundwater analytical data available for projects listed in 1 and 2 above must also be submitted to TMD. The EMA can be viewed at:

[http://www.cityofberkeley.info/uploadedFiles/IT/Level\\_3\\_-\\_General/ema.pdf](http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf)

### **2. Soil and Groundwater Management Plan**

A site specific Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

The SGMP shall identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP shall comply with the hazardous materials and waste management standards required by Berkeley Municipal Code Section (BMC) 15.12.100, the stormwater pollution prevention requirements of San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074, California hazardous waste generator regulations (Title 22 California Code of

Regulations (CCR) 66260 et seq.), and the East Bay Municipal Utility District's Ordinance 311.

Please notify TMD within 24 hours of the discovery of any previously undiscovered contamination;

- Develop procedures to manage odors, dust and other potential nuisance conditions expected during development.
- Post the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions and complaints.

TMD shall review the SGMP and may require additional information or impose additional conditions as deemed necessary to protect human health and the environment. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

### **3. Demolitions & Renovations**

#### **BUILDING MATERIALS SURVEY & HAZARDOUS WASTE MANAGEMENT:**

- a. A hazardous materials survey for building materials is required and is to be prepared by qualified professionals. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other chemicals.
- b. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.
- c. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

### **4. Hazardous Materials Business Plan**

A Hazardous Materials Business Plan (HMBP) in compliance with BMC 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20, shall be submitted into through the California Environmental Reporting System: <http://cers.calepa.ca.gov/> for chemicals used or stored on site during construction.

Additionally, the business occupant will submit an HMBP within 30 days of starting operations.