MEMO

Date: August 15, 2023

To: Health Commissioners

Through: Mark Morewitz, Health Commission Secretary

From: Patrick Fosdahl, Director of Environmental Health

Subject: Revisions to Health Code Article 31 Regulations

The Hunter Point Naval Shipyard is a Federal Superfund Site and is actively being cleaned-up by the Navy. The Federal Environmental Protection Agency (EPA) and the State Department of Toxic Substance Control (DTSC) along with the State Regional Water Quality Control Board have been overseeing the clean-up of the shipyard. To facilitate this clean-up, the shipyard was divided up into separate parcels which are designated A to G. As parcels are cleaned, they are transferred to the Office of Community Investment and Infrastructure (OCII). OCII has development agreements with for-profit developers (i.e. Lennar and, in the future, Fivepoint) for the project including the infrastructure, parks and residences that include below-market-rate units. OCII also has agreements with 100% affordable housing developers for particular blocks. Fivepoint will also build schools, commercial buildings, and City services building(s) (i.e. fire station and transit center) after the Navy transfers additional land in the second half of this decade.

San Francisco Health Code Article 31 and the Article 31 Regulations set out a process for review of City permits that involve earth disturbing activities on transferred parcels from the former Hunters Point Shipyard (HPS). Article 31 is designed to ensure that hazardous materials mitigation measures and environmental restrictions, placed on the property by the Navy, are implemented.

The attached revisions will do the following: 1) reorganize and more clearly define terms; 2) allow for automatic updates to human health screening criteria levels when they are amended by the State or Federal agencies; 3) more clearly define the requirements for plans and reports.

These proposed revisions to the Article 31 Regulations will continue to ensure the health and safety of all employees and residents.
List of Attachments:

1) Powerpoint Presentation for the July and August 2023 Health Commission Meetings
2) Highlights of 2023 Revisions to Article 31 Regulations
3) Process Chart
4) Proposed Regulations
5) Copy of the existing 2010 Regulations, Process chart and 2010 Article 31 Map (for comparison)
Attachment 1

Powerpoint Presentation
UPDATES TO REGULATIONS FOR HEALTH CODE ARTICLE 31

Patrick Fosdahl, MS, REHS
Director, Environmental Health

Community and Public Health Committee, July 18, 2023
Health Commission, August 15, 2023
PRESENTATION OVERVIEW

- Health Code Article 31 – Background
- What Does Article 31 Do
- Why Amendments are Being Requested
- What is Being Amended
- Public Comment Solicitation Process
Health Code Article 31 Background

- 1986 Maher Ordinance – City and County of San Francisco
- 2004 Health Code Article 31 – Hunters Point Naval Shipyard
  - Transferred Parcels
  - Not Amending HC Article 31
- 2005 HC Article 31 Regulations
WHAT DOES HEALTH CODE ARTICLE 31 DO?

- Applies When a Parcel is Transferred to the City
- Ensures Environmental Restrictions are Followed During Development

1. Dust Control Plan
2. Serpentinite Cover Plan
3. Property Summary Report
4. Unexpected Condition Response Plan
5. Soil Import Plan
6. Environmental Health and Safety Plan
7. Closure Report

In some specific circumstances:
8. Disposal Plan
9. Evaluation for Lead-Based Paint in Soil
10. Foundation Support Pile Installation Plan
11. Site Evaluation Report
WHY AMEND HC ARTICLE 31 REGULATIONS?

Update Language Based On Over 15 Years of Experience

- Administrative Changes
- Organizational Changes
- Easier to Understand
WHAT IS BEING AMENDED?

Four Main Categories:

- Administrative Changes
- Plans and Reports Requirements
- Automatic State & Federal Updates to Chemical Screening Criteria for Any Imported Soil
- Map update to conform with Redevelopment Plan
PUBLIC COMMENT OUTREACH EFFORTS

- Over 1,500 emails – “Opportunity to Comment”
  - List of interested parties who have asked to receive all solicitations for affordable housing opportunities
  - Potential future contractors
- Notice in SF Examiner
- Posted information on our website
The Director of Environmental Health would like your comments on proposed new Regulations for Health Code Article 31. The changes will affect companies that move dirt at The Shipyard project and the plans they submit to protect public health and safety.

Article 31 applies at The Shipyard for large earth moving projects and small jobs like installing and maintaining common area landscapes.

Please email your comments to HCArticle31-HPS@sfdph.org by Monday, May 15, 2023.

Questions? 415-252-3967

Please review the proposed revisions to Regulations by going to this link https://www.sfdph.org/dph/EH/HuntersPoint/default.asp

CLICK HERE
Environmental Health Article 31 webpage notice of Revised Regulations – Opportunity to Comment
THANK YOU!
Attachment 2

Highlights of 2023 Revisions to Article 31 Regulations
Highlights of 2023 Revisions to Article 31 Regulations

1) Reorganizes all sections in a logical order.
2) Clearly defines the four-part purpose of the Regulations (Section I).
3) Adds a Definitions section (Section II) that:
   a) Adds new and clarifies previous defined terms to make the Regulations clearer.
   b) Consolidates all “Required Plans and Reports” into a defined term and lists the names of the 11 plans and reports that may be required.
4) The Required Plans and Reports section (Section IV) lists them in alphabetical order and
   a) Separates out the list by those that apply everywhere and the subset that apply (i.e. in most foreseeable circumstances) to only Parcels A-1, A-2 and D-2 and
   b) The previous generic requirement for an evaluation for lead based paint, has been changed to a list of the only four remaining Navy era buildings on Parcel A-1 so that there can be no confusion about which buildings require this evaluation in the event of planned demolition and
   c) Simplifies some of the wording that had been overly complicated in the 2010 version.
5) Provides clear specifications for the Required Plans and Reports (Section V)
6) Defines a new report, Property Summary Report, for what had been known as Site Evaluation Report that was not required to include a) a Site History, b) data evaluation or c) statement of adequate characterization. The revisions describe the necessary elements and eliminates any confusion about what is or isn’t required for a Property Summary Report.
7) Updates the report title for unexpected conditions to the Unexpected Condition Response Plan and refers the Applicant to outlines for this plan that have been approved by the Navy and the Navy oversight agencies (i.e. the USEPA, DTSC and RWQCB) (Section V).
8) Updates the Serpentinite Cover Plan requirements (Section VI) to incorporate the June 2011 memo from SFDPH to SF Planning that set forth requirements to satisfy the Phase I Project Mitigation Measure 8.A (June 2011 memo).
9) Updates the Closure Report plan requirements (Section VII) and documents the Director’s determination from the June 2011 memo.
10) Updates the Table 1 Soil Screening Criteria (Section IX) to the most up-to-date standards and provides flexibility to use continuous process improvement as standards are updated in the future, with proof of the changes submitted for SFDPH approval.
11) Moves all wording about Site Evaluation Reports and Subsequent Reports to the Site Evaluation to Exhibit 2. This makes it clearer what historical and sampling information is required prior to construction vs. the plans that will be implemented during the construction (i.e. Dust Control Plan).
12) The Article 31 Map was updated to identify the boundaries of where Article 31 applies. Article 31 was approved by the SF Board of Supervisors (Board) to address development for two projects: HPS Phase I and CP-HPS Phase II. The railroad right-of-way, that is currently owned by the Navy, extending outside the Shipyard is not part of the Redevelopment Plan Area or these two Board approved projects. The railroad right-of-way is also not part of the real property covered by the agreement between the Navy and OCII. For these reasons, it should not have been included in the previous Article 31 map. Further, once the property transfers out of Navy ownership and any earth-moving projects are proposed for the railroad right-of-way, these projects will be subject to the requirements of the Maher ordinance (Health Code Article 22A). Consequently, the railroad right-of-way has been removed from the revised Article 31 Map.

SFDPH EH 11/2/2021
Attachment 3

Process Chart
Process Chart
2023 Version of Health Code Article 31 Regulations with existing 2010 Ordinance

Is the Work Area on unrestricted residential property as determined by applicable Navy Record of Decision (2023 Regulations clarifies that this means Parcel A-1, A-2 or D-2)?

NO
(Work in these areas can’t start until future parcel transfers ≅ 2029 or later)

YES

Are you disturbing ≥50 cubic yards of soil?*

NO

Article 31 does not apply

YES

Submit Application/Property Summary Report and Serpentinite Cover Plan (SCP). If SCP includes Soil Cover then Table 1 criteria must be used and if soil will be imported then Soil Import Plan (SIP) must be prepared.

Has the work area been evaluated in a previous Site Evaluation Report (SER) and was a Closure Report approved by the Director that verified no naturally occurring asbestos concerns or proper implementation of SCP?

NO

YES

Are there hazardous substances in soil, soil gas, or groundwater AND/OR is the work on Parcel D-2 in an area underlain by Navy utilities**?

NO

YES

Prepare SER including site history & evaluation of existing sampling data and evaluate possibility of needing a Scope of Work and Supplemental Reports.

Prepare a Dust Control Plan, an Environmental Health and Safety Plan, and an Unexpected Condition Response Plan (UCRP)

Is Soil Import needed?
Then prepare a SIP

Is Soil Disposal needed?
Then prepare a Disposal Plan

Are foundation piles needed?
Then prepare a Foundation Support Pile Installation Plan

Is the project in the Parcel E-2 landfill zone? (see Article 31 Map) Then include an Ordinance Section 3106 evaluation in the SER

Submit all Plans and Reports for approval by the Director. Once approved, build the project!

When construction is finished, submit a Closure Report

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*OR are you constructing a well or (2023 Regs define) demolishing building(s) 101, 808, 813, or 821? (note: very few, if any, Applicants will have these tasks) Then follow “YES” path

**SER requires assessment of adequate characterization and may require sampling and subsequent reports
Attachment 4

Proposed Regulations
HUNTERS POINT SHIPYARD
REGULATIONS UNDER HEALTH CODE ARTICLE 31

Adopted November 16, 2004; amended June 15, 2010;
amended_________________, by repealing and replacing in their entirety.

I. EFFECTIVE DATE AND APPLICABILITY OF REGULATION

A. Authorization. Upon recommendation of the Director of the Department of Public
Health, the Health Commission adopts these regulations pursuant to Section 3107(a) of Article
31 of the Health Code applicable to all Hunters Point Shipyard (HPS) parcels. These
regulations are effective upon approval by the Health Commission. The Director of the
Department of Public Health has delegated the authority to implement Article 31 to the
Director of the Environmental Health. All references in the ordinance to the Director shall be
to the Director of the Environmental Health.

B. Purpose. These regulations:

1. Establish the circumstances under which Applicants as defined in Article 31 must
submit Required Plans and Reports to the Director and the requirements the applicable
Required Plans and Reports must satisfy.

2. Provide a framework for assuring compliance with certain mitigation measures adopted
by the City and County of San Francisco as required by the California Environmental Quality
Act (CEQA) for Phase I of the HPS Redevelopment Plan Project (Phase I Project) and the
Candlestick Point-HPS Phase II Development Plan Project (Phase II Project). Copies of all
referenced mitigation measures are on file with the Director.

3. Provide a framework for assuring compliance with environmental restrictions imposed
on the property through the Navy transfer deeds and recorded Covenants to Restrict Use of
Property that are part of the implementation of the federal Comprehensive Environmental
Response Compensation and Liability Act (CERCLA) (these documents are hereafter referred
to as the “CERCLA documents”).

4. Establish soil screening criteria for soil used for specified purposes.
C. **Applicability.** These regulations apply to an Applicant as defined in Section 3101(a) of Article 31 of the Health Code.

II. **DEFINITIONS**

A. **“Durable Cover”** means hardscape (e.g., asphalt, buildings, sidewalks, etc.) or a minimum of two feet of clean imported fill that is constructed over HPS Bay Fill or Native Soil, or equivalent physical barrier, designed to meet the performance requirements stated in the Record of Decision (ROD) for each Parcel.

B. **“Environmental Restrictions”** means protective provisions, covenants, restrictions, requirements, prohibitions, and terms and conditions in a recorded deed or Covenant to Restrict Use of Property to protect present or future human health or safety or the environment as a result of the presence on land of hazardous materials.

C. **“HPS Bay Fill”** means non-native historically imported fill that was placed bay ward of the original shoreline and/or placed on top of native bedrock and soil to create the current footprint of HPS. The term HPS Bay Fill does not mean: i) bedrock especially bedrock outcrops as identified in the Navy Remedial Action Work Plans that were specifically excluded from requiring a durable cover; ii) any imported soil, which has been certified to meet soil import criteria, and was used to build the durable cover (i.e., a minimum of two feet of clean imported fill); iii) clean soil that has been imported by the Navy, meaning it has been certified to meet soil import criteria, and used as backfill in conjunction with any prior Navy removal or remedial action (e.g., soil excavation areas).

D. **“Institutional Controls”** means land use and activity restrictions and prohibitions to address hazardous substances; Institutional Controls are Environmental Restrictions.

E. **“Native Soil”** shall mean any soil that was deposited through natural processes.

F. **“Property suitable for unrestricted residential use”** means parcels that are free of Environmental Restrictions requiring a Durable Cover or engineered cap. Presently, only Parcels A-1, A-2 and D-2 meet this definition.
G. “Required Plans and Reports” means any of the following as defined in these regulations:

2. Disposal Plan.
3. Dust Control Plan.
5. Evaluation for Lead-Based Paint in Soil.
7. Property Summary Report. In addition to providing basic information about the property, the property summary report is designed to satisfy the requirement in Article 31 for a site evaluation report where the Director determines that CERCLA documents provide the information otherwise required in a site evaluation report.
8. Serpentine Cover Plan.
10. Soil Import Plan.
11. Unexpected Condition Response Plan. Article 31 refers to this document as an unknown contaminant contingency plan.
12. Any additional reports determined necessary by the Director in a particular instance to carry out the purposes of the ordinance.

H. "Work Area" means the Prescribed Subsurface Activity Area as defined in Article 31.

III. ARTICLE 31 MAP

The Article 31 Map, as defined in Article 31, Section 3107(d) is attached to these regulations as Exhibit 1. The map shows the HPS area subject to Article 31, the boundaries of each parcel established by the Navy for the purposes of remediation under the federal CERCLA, the former landfill disposal site, and a demarcation line showing the area within 1,000 feet of the perimeter of the landfill disposal site as further described in Section 3106 of Article 31 of the Health Code. For Navy
Parcels A-1, A-2, and D-2, the Article 31 Map shows the historic fill areas and utility lines remaining from the Navy ownership era.

IV. REQUIRED PLANS AND REPORTS.

Applicants must submit the specified Required Plans and Reports under the following circumstances:

A. **All Areas of HPS.** Applicants proposing subsurface work in any part of the HPS area as shown on the Article 31 Map must submit the following Required Plans and Reports containing the information further specified in these regulations, as applicable to the specific work proposed:

   1. Disposal Plan.
   2. Dust Control Plan.

B. **Designated Areas of HPS.** Under the circumstances enumerated in this section, Applicants must submit the following additional Required Plans and Reports. With a few exceptions, additional Required Plans and Reports are required only for Work on Parcels A-1, A-2, and D-2 to satisfy the requirements in Section 3114 of Article 31 of the Health Code.

   1. **Evaluation for Lead Based Paint in Soil.** This report is required if:
      
      a. The Work involves the demolition of any of these Navy Buildings located on Parcel A-1 or D-2: 101, 808, 813, and 821; or
      b. The Work involves the demolition of any other Navy building containing lead based paint and the land use for the Work Area is

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1 The Director has determined that Section 3114 applies to Parcels A-1, A-2, and D-2. (See Exhibit 2 for a list of parcel specific Navy documents)
designated for residential use free of an environmental restriction requiring a durable cover or engineered cap over the soil.

2. Serpentinite Cover Plan (SCP). This report is required if the Work Area is on Parcels A-1, A-2, or D-2.

3. Site Evaluation Report (SER) and Subsequent Reports to Site Evaluation.
   a. A SER is required for work on:
      i. Parcels A-1, A-2 or D-2 if the Director has evidence that hazardous materials are present in the soil, soil gas or groundwater in the Work Area; and/or
      ii. Parcel D-2 if the Work Area is underlain by Navy-era utility lines
   b. Subsequent Reports to a Site Evaluation. If a SER is required, these additional reports may be required as determined necessary by the Director:
      i. Scope of Work to Collect Additional Information.
      ii. Supplemental SER.
      iii. Site Mitigation Plan.


D. Applicants shall prepare Required Plans and Reports to the satisfaction of the Director. The Director may require any additional information on a site-specific basis as determined necessary by the Director to achieve the purposes of Article 31.

V. MINIMUM REQUIREMENTS FOR REQUIRED PLANS AND REPORTS, ALL AREAS OF HPS.

The minimum requirements for Required Plans and Reports that may be applicable throughout the HPS area as part of the permit application process are as follows:
A. Disposal Plan: If any offsite disposal of soil is proposed, Applicant must provide:

1. A list of landfills and contact information to be used for offsite disposal;
2. Examples of tracking spreadsheets (or equivalent). The tracking spreadsheets must include: date of excavation, location of excavation, quantity of soil, soil type, bill of lading or manifest number for disposal, soil transporter and landfill name; and
3. As applicable, proof of how Applicant will comply with Phase I FEIR Mitigation Measure 8.A, requiring certain asbestos to be treated as hazardous waste, and Phase II FEIR Mitigation Measure HZ-3, requiring compliance with all applicable legal requirements concerning offsite transport and disposal of hazardous materials in contaminated soil.

B. Dust Control Plan (DCP). Applicant must prepare a DCP. The DCP must:

1. Comply with all of the following requirements that are applicable to the work:
   c. Phase II Project Mitigation Measure MM HZ-15, concerning management of construction dust.
   d. DPW Order #171,378, as amended.
   e. Bay Area Air Quality Management District (BAAQMD) regulations, as amended, pertaining to visible dust, and dust from asbestos or lead-based paint materials.

2. Provide for a community notice and complaint response process meeting the following requirements:
a. Provides that prior to commencing any new area of earth disturbing activities (i.e. or restarting an area that was previously stabilized and undisturbed for more than a year), a notice (i.e. door hangar, post card, flyer or equivalent) will be given to all residents in the same complex or adjacent areas (i.e. across the street) that contains contact information (i.e. phone number and email or equivalent) for real time reporting of any dust control complaints.

b. Contains a description of the complaint response process.

c. Sets out the time frame within which the responsible entity will respond to verified complaints (must be within two working days).

C. Environmental Health and Safety Plan (EHSP). Applicant must prepare an EHSP to address the safety and health hazards of each phase of the site operation. Applicant is advised to follow the outline for an EHSP in an approved Risk Management Plan if one exists for the Work Area. The EHSP must include:

1. A health and safety risk or hazard analysis for each activity in the work plan.

2. Training requirements for employees, including:
   a. Use of Personal Protective Equipment (PPE).
   b. Work practices to minimize risk.
   c. Use of engineering controls and equipment.
   d. Medical surveillance requirements.
   e. Identification of potential unexpected conditions and protocols detailed in the UCRP.

3. PPE to be used for each site task.

4. Medical surveillance, as necessary.

5. Frequency and types of air monitoring, personnel monitoring, monitoring techniques and maintenance of equipment.

6. Site control measures.
7. Decontamination procedures.
9. A spill containment program.
11. Provisions for complying with applicable Cal/Occupational Safety and Health Administration (OSHA) rules and regulations in effect at the time the activity is being conducted.

D. **Foundation Support Pile Installation Plan.** For all Work that involves installing foundation support piles in artificial fill materials, Applicants must prepare a Foundation Support Pile Installation Plan that satisfies the Phase II Project Mitigation Measure MM HZ-5A. Specifically, the Foundation Support Piles Installation Plan must specify:

1. Pilot boreholes for each pile that will be drilled through the artificial fill materials so the piles can be installed without damage or misalignment and to prevent potentially contaminated fill materials from being pushed into the underlying sediments or groundwater.
2. Alternatively, the Foundation Support Piles Installation Plan may specify an equivalent process that the Director determines will accomplish the same goal of installing the piles without damage or misalignment and prevent potentially contaminated fill materials from being pushed into the underlying sediments or groundwater.

E. **Property Summary Report (PSR).** The PSR must include the information specified in this paragraph. In the event an Applicant is required to prepare a SER per paragraph IV.B.3, the SER may contain the information required for the PSR in lieu of submitting a separate PSR. The PSR shall contain all the following information, unless otherwise specified by the Director:
1. Description of the Work Area, including:
   a. Block and lot numbers and address(es) of the proposed project and any subparcel designation.
   b. The permit being applied for, if any.
   c. The permit agency and application number assigned to the project, if applicable.
   d. The proposed workplan for Work Area, cross-referencing the HPS Redevelopment Plan and showing intended land uses.
   e. The name, address, and phone number of the following:
      i. Contractor(s).
      ii. Property Owner(s).
      iii. Project Coordinator(s) or Expediter(s).
      iv. Architect(s).
      v. PSR Preparer(s).
   f. A plot map, to scale, of the proposed project, proposed land uses, and the Work Area. This plot map must include, but is not limited to, the following:
      i. SCALE: 200 ft. to 1 inch Minimum.
      ii. LOCATION(S) of all previous buildings and potentially contaminating uses.
      iii. A line showing a 1,000 foot radius from the former landfill disposal area (see Article 31 Map), if applicable.
      iv. All CERCLA and non-CERCLA monitoring wells in the Work Area including Geographical Information System (GIS) coordinates.

2. A reference to all the applicable CERCLA documents.
3. A list of the applicable Article 31 Required Plans and Reports that are being submitted.

4. A detailed description of the Work Area, including but not limited to:
   a. Lineal foot dimensions (i.e. length, width, and depth).
   b. Any excavation or disturbance of soils during all phases of construction both onsite and within the sidewalk(s) adjacent to the project.
   c. Planned landscaping, if any, during or after major construction is completed.
   d. The relationship of the Work Area to the total project and the perimeter of the property line.

5. A Property Summary Report Certification Statement. The PSR shall contain a certification statement from the PSR preparer(s), that states, "In my professional judgment and in accordance with standards of practice for my profession, the PSR, contains all required information, meets the requirements of all applicable law and properly evaluates the required information."

F. Soil Import Plan (SIP). The SIP must estimate the quantities of soil to be imported onto the site; describe the locations of use and describe the procedures to be used to ensure that import soil does not exceed the established screening levels set out in these regulations in Section IX. Applicants are advised to follow the outline for a SIP in an approved Risk Management Plan if one exists for the Work Area. The SIP should also include but may not be limited to:

1. Sample numbers and IDs.
2. Laboratory reports including additional analytes that are reported as part of the designated analyses even if the analytes are not required by this SIP (i.e. the primordial radionuclides are usually reported at the same time as the analysis for the SIP designated radionuclides. These additional analytes should be reported to SFDPH if they were reported by the laboratory).
3. Evaluation Summary Table.

4. Material Classification.

5. Plans for updates every 5 years (i.e. if project extends for more than 5 years).

G. **Unexpected Condition Response Plan (UCRP).** Details on actions that will be taken if previously unexpected contamination is found, as required by the Phase II Project Mitigation Measure MM HZ-2a.1, Unknown Contaminant Contingency Plan. Applicants are advised to follow the outline for an UCRP in an approved Risk Management Plan if one exists for the Work Area.

VI. **MINIMUM REQUIREMENTS FOR ADDITIONAL REQUIRED PLANS AND REPORTS, DESIGNATED AREAS OF HPS.**

This section sets out the minimum requirements for the additional Required Plans and Reports that may be required depending on the location of the Work Area as set forth in paragraph IV.B.

A. **Evaluation of Lead Based Paint in Soil.** An evaluation of lead based paint in soil must meet the following requirements:

1. An evaluation for lead based paint must be performed by a person qualified for such an evaluation, and submitted to the Director.

2. If lead based paint is found to exist on these structures, the soil surrounding the buildings must be sampled in accordance with U.S. Department of Housing and Urban Development’s (HUD)Lead-Based Paint Guidelines Chapter 5, pages 24 and 25, using the current lead based paint in soil standards in accordance with levels established on Table 1 in Section IX, Soil Screening Criteria. The HUD Guidelines are available at

3. If elevated levels of lead are found in the soil samples, a plan for excavation of any soil exceeding the Table 1 Section IX levels must be submitted to the Director. Once the work is done a report summarizing the results and, if needed, documenting the excavation of areas above the screening goal must be submitted.

B. Serpentine Cover Plan (SCP). The SCP must contain descriptions and figures designating the type of cover material that will be used to cover serpentine fill. The cover material must meet one of the following requirements as set forth in the June 2011 memo from the Health Department to San Francisco Planning (on file with the Director) setting forth requirements to satisfy the Phase I Project Mitigation Measure 8.A:

1. One foot of clean, non-serpentine, non-naturally occurring asbestos-containing fill commonly referred to as Soil Cover. If this Soil Cover is designated to be used as a cover in the SCP, then the SCP must reference an Article 31 approved SIP that contains procedures to verify that the Soil Cover does not contain naturally occurring asbestos or other hazardous substances. Alternatively, the Applicant must submit a new SIP prepared pursuant to Section V.F. of this regulation. The sample results that verify that the import soil is free from asbestos or other hazardous substances must be submitted for the Director's approval.

2. Hardscape. A building, street, sidewalk, paving stones, rip rap or similar material, as determined by the Director, can be used as a cover in lieu of fill.

3. Vegetative cover that holds soil in place.

C. SER and Subsequent Reports to Site Evaluation.

The specifications for these reports are contained in attached Exhibit 2 and are applicable for Parcels A-1, A-2 and D-2.
VII. REQUIRED CLOSURE REPORT AND CERTIFICATION

A. Closure Report. A closure report must be prepared following completion of activities authorized by a permit subject to Article 31 of the Health Code. The Closure Report shall include:

1. A list of the permit numbers (i.e. from DBI, DPW or DPH) and Article 31 case numbers covered by the Closure Report.

2. A description of how and when the approved Required Plans and Reports were implemented and any changes to the approved Required Plans and Reports that were made during implementation.

3. For Work Areas that required soil import in compliance with an approved SIP, electronic submittal of all required forms, tables, laboratory analytical results, summary tables of analytical results, and any other information required or voluntarily collected to demonstrate compliance under the SIP.

4. For Parcels A-1, A-2, or D-2, verification of the cover material placed over the site as required by the SCP. The Director has determined that placement of cover material over the Work Area in combination with the requirements of Building Code Section 106A.3.2.5.1 satisfies the Phase I Project Mitigation Measure 8A requirement to prevent future exposure to serpentine material. (See memo from Rajiv Bhatia and Amy Brownell, San Francisco Department of Public Health to Bill Wycko, San Francisco City Planning Department, dated June 14, 2011, on file with the Director).

5. Any drawings, figures and pictures necessary to demonstrate compliance. Completed tracking spreadsheets (or equivalent) for disposal of excavated soil. All environmental sampling data in a form compatible with GIS, to the extent feasible.

B. Closure Report Certification Statement. The Closure Report shall include a statement from the preparer that, "In my professional judgment the control, safety, and mitigation
measures identified in the Required Plans and Reports, as applicable, and all other requirements of applicable law were implemented as described in this Closure Report and in accordance with standards of practice for my profession.”

VIII. REPORT PREPARER’S QUALIFICATIONS

A. The preparer(s) of all Required Plans and Reports except the EHSP and the Foundation Support Piles Installation Plan, must:

1. Have experience or educational background in environmental site history.
2. Be one or more of the following who is registered or certified by the State of California:
   a. A Civil or Chemical Engineer.
   b. A Geologist.
   c. A Hydrogeologist.
   d. A person with an equivalent registration as determined by the Director.

B. The preparer(s) of the EHSP must:

1. Have experience in preparation of EHSPs for soil excavation, soil grading and soil disposal for soil that may contain contaminants listed on Table 1.
2. Be one of the following:
   a. A Certified Industrial Hygienist.
   b. A person with an equivalent registration as determined by the Director.

C. The preparer(s) of the Foundation Support Piles Installation Plan must:

1. Have experience in designing and installing foundation support piles in potentially contaminated artificial fill materials.
2. Be one of the following:
   a. A Civil Engineer registered in the State of California.
   b. A person with an equivalent registration as determined by the Director.
IX. SOIL SCREENING CRITERIA

The soil screening criteria in Table 1 apply in these circumstances:

A. When soil import is proposed to be used as Soil Cover on Parcels A-1, A-2, and/or D-2 as described in a SCP (Section VI.B.).

B. When soil import is proposed to be used as Durable Cover on any parcel required to have a Durable Cover.

C. On Parcels A-1, A-2 and/or D-2, when Applicant proposes to test previously installed Soil Cover.

D. On Parcels A-1, A-2, and/or D-2, when testing of Native Soil is required by these regulations or proposed by an Applicant (i.e. for use as Soil Cover in a SCP). In such cases, most, if not all, Native Soil will only require testing for naturally occurring asbestos.

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<tr>
<th>HAZARDOUS CONSTITUENT</th>
<th>LEVEL</th>
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<tr>
<td>Inorganic persistent and bioaccumulative toxic substances listed in 22 California Code of Regulations, title 22 section 66261.24(a)(2)(A)</td>
<td>The most stringent of the following three reference sources or as they may be updated from time to time in the future including wholesale changes to the name or structure of screening levels by these organizations (with proof of the wholesale changes submitted to and approved by the Director). As of the date of these regulations the most current versions were:</td>
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<td>Polychlorinated Biphenyls</td>
<td>2. Regional Water Quality Control Board (RWQCB). Environmental Screening Levels (ESLs) for Residential Soils. The most current version can be requested by going to this webpage and emailing your request as instructed <a href="https://www.waterboards.ca.gov/sanfrancis">https://www.waterboards.ca.gov/sanfrancis</a></td>
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<tr>
<td>Metals with the exception of Arsenic</td>
<td></td>
</tr>
<tr>
<td>Semi-volatile organic compounds</td>
<td></td>
</tr>
<tr>
<td>Polycyclic aromatic hydrocarbons</td>
<td></td>
</tr>
<tr>
<td>Substance</td>
<td>Limit</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Arsenic</td>
<td>11 mg/kg based on Duvergé, D.J., 2011. Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region. San Francisco State University. December. Or as may be approved by the Director.</td>
</tr>
<tr>
<td>Asbestos</td>
<td>Less than 0.25% based on the screening level for NOA at school sites (DTSC, 2004) or any updates to this guidance.</td>
</tr>
<tr>
<td>pH levels</td>
<td>Hazardous Waste levels for corrosivity as defined in California Code of Regulations, title 22 section 66261.22.</td>
</tr>
<tr>
<td>Total petroleum hydrocarbons</td>
<td>RWQCB ESLs or any subsequent equivalent updates including wholesale changes to the name or structure of screening levels by RWQCB as approved by the Director (see website above).</td>
</tr>
<tr>
<td>Radionuclides</td>
<td>Current calculated US EPA Preliminary Remediation Goals for radionuclide contaminants at Superfund sites (or as they may be updated from time to time in the future) using site specific input parameters for residential soil as approved by the Director.</td>
</tr>
</tbody>
</table>

**X. DIRECTOR’S WRITTEN NOTIFICATION OF COMPLIANCE**

The Director shall provide Applicant and the relevant department with written notification that Applicant has complied with the requirements of this Article and any applicable requirements in Article 12B of the Health Code concerning monitoring wells. As a condition of permit approval, in carrying out the permitted work, Applicant shall be required to comply with Required Plans and Reports, as determined by the Director to be applicable, and all laws applicable to soil removal and off-site disposal.
By: ________________________________

Dr. Grant Colfax
Director, San Francisco Department of Public Health

Resolution No.

By: ________________________________

Mark Morewitz
Executive Secretary to the Health Commission
Exhibit 1

Article 31 Map
Exhibit 2

Minimum Requirements for Site Evaluation Report and Subsequent Reports to Site Evaluation


The SER must include all information required in a Project Summary Report and any additional information required below including a determination as to whether additional information is necessary to adequately characterize the Work Area prior to permit issuance. All data must be provided in a form compatible with Geographical Information System (GIS), to the extent feasible.

A. A site history, which must include a summary of land use, location and years of existence of the buildings, structures or operations, suspected chemical substances used or produced with probable years of use and production, and identification of previous environmental investigations and remediation for the Work Area. The report must be prepared based on the following list of core documents available as part of the Administrative Record for the HPS Site (located at the City of San Francisco's Main Library, 100 Larkin Street) or on Envirostor https://www.envirostor.dtsc.ca.gov/public (search for HPS and/or Annex and review all related documents). Alternatively, the report may be based on the Final Parcel A Phase I SER, CH2MHILL, June, 2005 and Addendum to the Final Parcel A Phase I SER, HPS Development Co. LP, July 2014 that are on file with SFDPH Environmental Health.2 The core documents include:

1. Final Basewide Environmental Baseline Survey, Revision 01, September 4, 1998

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2 The 2005 SER and 2014 Addendum were prepared by an Applicant as required by the 2005 and 2010 versions of Article 31 of the Health Code for areas used continuously for residential purposes but underlain by historic fill or Navy era utility lines. The Director approved the 2005 SER and 2014 Addendum for all areas of Parcels A-1 and A-2. Based on these documents, the Director has determined that an additional SER is not required for Parcels A-1 and A-2 for the purpose of assessing areas underlain with historic fill or Navy era utility lines.
3. Parcel A and D-2 specific Record of Decisions (RODs) that describe the Work Area. The Parcel A and D-2 RODs are dated November 1995 and August 2010, respectively.

4. Parcel specific Findings of Suitability for Transfer (FOSTs) and applicable amendments that describe the Work Area. The Parcel A and D-2 FOSTs are dated October 2004 and March 2012, respectively.


B. Data Evaluation, which must include a summary of existing soil and groundwater information and data, chemical plume maps and hydraulic gradient maps for each Work Area.

C. The Applicant must determine whether the Work Area has been adequately characterized. In making this determination the Applicant shall use one of the following methods or an alternative, equivalent method, providing the rationale for such determination:

1. For existing sampling data: Number of samples based on existing data meets the grid size of no greater than 75 feet for a lot size of 100 feet by 125 feet or no greater than 150 feet for lot size exceeding 100 feet by 125 feet for each Work Area. Samples were tested for chemicals of concern.

2. For areas of former subsurface Navy utility lines: 1 sample every 150 linear feet, with samples collected at one foot less than the proposed depth of the excavation/grading and at a minimum of one sample for each 5-foot vertical interval. Samples were tested for chemicals of concern.

3. A review of any Groundwater contamination in the Work Area

D. A determination of whether the sample results are greater than the values in Section IX, Table 1. This determination need not be a direct comparison but may include the same or equivalent data analysis/methodology used by the Navy in evaluating the HPS, including statistical analysis, risk assessments and risk management.

E. SER Certification Statement. The SER must contain a certification statement from the SER preparer(s), stating that, "In my professional judgment and in accordance with standards
of practice for my profession, the SER, including the determination of whether additional
information is needed to adequately characterize the area (as applicable), contains all required
information, meets the requirements of all applicable law and properly evaluates the required
information."

II. Subsequent Reports to Site Evaluation. After reviewing the SER, the Director may determine
that additional information is necessary to adequately characterize portions of the Work Area. If
required by the Director, the Applicant must perform the steps and submit reports described below, to
the extent necessary, with submittal requirements described in detail below. The subsequent reports
might include:

A. Scope of Work to Collect Additional Information. If the Director determines additional
information is needed to adequately characterize the Work Area, Applicant must prepare and
obtain Director’s approval of a Scope of Work to Collect Additional Information.

B. Supplemental SER. If a Supplemental SER is required, Applicant shall implement the
approved Scope of Work to Collect Additional Information and submit the results in a
Supplemental SER.

C. Site Mitigation Plan and Risk Evaluation Report.

1. If the Supplemental SER shows that there is no existing contamination that
exceeds Table 1 as described below, the Director shall provide notification as
described in Section X.

2. If the Supplemental SER shows that there is existing contamination that exceeds
the screening criteria established by the Director and the Applicant wishes to
retain that soil in the Work Area or elsewhere within Parcels A-1, A-2, or D-2,
the Applicant must prepare and submit to the Director a Risk Evaluation Report
and a Site Mitigation Plan demonstrating the property can still be used for
unrestricted residential purposes consistent with the FOST. The Site Mitigation
Plan must include the Required Plans and Reports, as determined by the
Director to be applicable, and may include a deed notice, provided that any
notice is consistent with use for unrestricted residential purposes. The Director must review and approve the Risk Evaluation Report and the Site Mitigation Plan. Upon approval of these documents, the Director shall provide written notification as described in Section X, and the Applicant must comply with the Site Mitigation Plan.

3. If the Director finds that the Applicant intends to remove soil from the Work Area and dispose of that soil off-site, then the Director shall find that, as to that soil, no additional information is necessary and shall provide the Applicant with written notification as described in Section X.

4. If the Applicant determines and documents in the Supplemental SER that potential unknown hazardous substances of concern can be identified through visual observation during the activity requiring the permit (e.g., grading or excavation), the Applicant shall submit, for approval by the Director, a protocol setting forth the steps that will be taken to visually identify those hazardous substances during the subsurface activity; sampling and analysis; management methods; record-keeping and reporting; and other appropriate measures that will be taken if hazardous substances are identified during the subsurface activity. Based on concurrence with the determination and approval of the protocol, the Director shall provide notification as described in Section X.
Attachment 5

Existing Article 31 Regulations, Process Chart and Map
I. EFFECTIVE DATE AND APPLICABILITY OF REGULATION

A. Authorization. Upon recommendation of the Director of the Department of Public Health, the Health Commission adopts this regulation pursuant to Section 3107(a) of Article 31 of the Health Code (Ordinances Nos. ) applicable to all Hunters Point Shipyard (HPS) parcels (under sections 3100 et seq.). These regulations are effective on the effective date of the ordinance. The Director of the Department of Public Health has delegated the authority to implement Article 31 to the Director of the Environmental Health Section. All references in the ordinance to the Director shall be to the Director of the Environmental Health Section.

B. Purpose. These regulations establish requirements for preparing plans and reports including: Site Evaluation, Supplemental Site Evaluation, Site Mitigation, Risk Evaluation and Closure Reports, as applicable, pursuant to Article 31, Section 3100 et seq. in connection with permit applications at HPS. These regulations also establish residual soil screening criteria for unrestricted residential property and minimum criteria for all applicable Site Evaluation Reports, Dust Control Plans, Unknown Contaminant Contingency Plans, Disposal Plans, Site Specific Health and Safety Plans Plans, and Foundation Support Piles Installation Plans and Serpentinite Cover Plans.

C. These regulations apply to the extent that a Prescribed Subsurface Activity Area is subject to these regulations as shown in the attached map adopted by the Director pursuant to Article 31, Section 3107(d).
II. REPORT PREPARER'S QUALIFICATIONS

A. For all reports required by ordinance or in these regulations, except the Site
Specific Health and Safety Plan and the Foundation Support Piles Installation Plan, the
preparer(s):

1. must have experience or educational background in site history, and
2. must be one or more of the following who is registered or certified by the State
of California:

   a. Civil or Chemical Engineer;
   b. Geologist;
   c. Hydrogeologist;
   d. Environmental Assessor II; or
   e. Environmental Assessor I for site history only; or
   f. Equivalent registration as determined by the Director.

B. For Site Specific Health and Safety plans, the preparer(s):

1. must have experience in preparation of Health And Safety Plans for soil
excavation, soil grading and soil disposal for soil that may contain contaminants listed on
Table 1 and

2. must be a:
   a. Certified Industrial Hygienist or
   b. Equivalent registration as determined by the Director.

C. For the Foundation Support Piles Installation Plan, the preparer(s):

1. must have experience in designing and installing foundation support piles in
potentially contaminated artificial fill materials and

2. must be a:
   a. Civil Engineer registered in the State of California or
b. Equivalent registration as determined by the Director.

### III. SCREENING CRITERIA

The Director establishes the following residual soil screening criteria for unrestricted residential property:

<table>
<thead>
<tr>
<th>HAZARDOUS CONSTITUENT</th>
<th>LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inorganic persistent and bioaccumulative toxic substances listed in 22 Cal. Code Regs. §66261.24(a)(2)(A)</td>
<td>The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil</td>
</tr>
<tr>
<td>Volatile organic toxic pollutants listed in 40 C.F.R. Part 122, Appendix D, Table II</td>
<td>The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil</td>
</tr>
<tr>
<td>PCBs</td>
<td>The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil</td>
</tr>
<tr>
<td>pH levels</td>
<td>Hazardous Waste levels for corrosivity as defined in 22 Cal. Code Regs. §66261.22</td>
</tr>
<tr>
<td>Total petroleum hydrocarbons</td>
<td>For soil from 0 to 10 feet below ground surface: As gasoline 315 ppm As diesel 1,500 ppm As motor oil 1,850 ppm Deeper than 10 feet = consult with the Director.</td>
</tr>
<tr>
<td>Pesticides</td>
<td>The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil</td>
</tr>
<tr>
<td>Metals</td>
<td>The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil</td>
</tr>
<tr>
<td>Radionuclides</td>
<td>USEPA Preliminary Remediation Goals for residential soil with two exceptions: Cs-137 = 0.113 pCi/g and Ra-226 = 1 pCi/g above background or may use 1.485 pCi/g if site specific background not available.</td>
</tr>
<tr>
<td>Semi-volatile organic compounds</td>
<td>The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil</td>
</tr>
<tr>
<td>Polycyclic aromatic hydrocarbons</td>
<td>The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil</td>
</tr>
</tbody>
</table>
IV. DUST CONTROL PLAN, UNKNOWN CONTAMINANT CONTINGENCY PLAN,
DISPOSAL PLAN, SITE SPECIFIC HEALTH AND SAFETY PLAN, SOIL IMPORTATION
PLAN, FOUNDATION SUPPORT PILES INSTALLATION PLAN AND SERPENTINITE
COVER PLAN.

Whenever a Dust Control Plan; Unknown Contaminant Contingency Plan, Disposal
Plan, Site Specific Health and Safety Plan, Soil Importation Plan, Foundation Support Piles
Installation Plan or Serpentinite Cover Plan is required pursuant to Article 31, the Applicant
shall prepare such plan to the satisfaction of the Director in accordance with the following
minimum requirements:

A. Dust Control Plan: Shall be prepared in accordance with (a) Article 22B of the
Health Code; (b) mitigation measures imposed by the Hunters Point Reuse Plan FEIR (2000)
[specifically, Mitigation Measures 2.B and 8.A], and the Candlestick Point-Hunters Point
Shipyard Phase II FEIR (2010), [specifically, Mitigation Measure MM HZ-15]; (c) DPW Order
#171,378, as amended, and d) BAAQMD regulations pertaining to visible dust, and, if
applicable, dust from asbestos or lead-based paint materials, as amended.

B. Unknown Contaminant Contingency Plan: Details on actions that will be taken
if previously unknown contamination is found, as required in the Candlestick Point-Hunters
Point Shipyard Phase II FEIR (2010), [specifically, Mitigation Measure MM HZ-2a.1];

C. Disposal Plans: Must include: a list of landfills and contact information to be
used for offsite disposal; examples of tracking spreadsheets (or equivalent) that must
include: date of excavation, location of excavation, quantity, soil type, bill of lading or
manifest number, transporter and landfill; and comply with Hunters Point Reuse Plan FEIR
Mitigation Measure 8.A.
D. Site Specific Health and Safety Plans: Must address the safety and health hazards of each phase of the site operation and include the requirements and procedures for employee protection, including: (1) a health and safety risk or hazard analysis for each activity in the work plan; (2) training requirements for employees, including use of PPE, work practices to minimize risk, use of engineering controls and equipment, medical surveillance requirements; (3) PPE to be used for each site task; (4) medical surveillance; (5) frequency and types of air monitoring, personnel monitoring, monitoring techniques and maintenance of equipment; (6) site control measures; (7) decontamination procedures; (8) an emergency response plan; and (9) spill containment program; and must comply with Hunters Point Reuse Plan FEIR Mitigation Measures 7.D, 7.E, 8.A (2000) and the Candlestick Point-Hunters Point Shipyard Phase II FEIR (2010), [specifically, Mitigation Measure MM HZ-2a.2]; and applicable Cal/OSHA rules and regulations in effect at the time the activity is being conducted.

E. Soil Importation Plan: The Soil Importation Plan must estimate the quantities of soil to be imported onto the site; describe the locations of use and describe the procedures to be used to ensure that imported soil does not exceed the established screening levels.

F. Foundation Support Piles Installation Plan: Shall be prepared in accordance with the Candlestick Point-Hunters Point Shipyard Phase II FEIR (2010), [specifically, Mitigation Measure MM HZ-5A]. The Foundation Support Piles Installation Plan shall be written for installing foundation support piles in artificial fill materials and shall specify: (1) that pilot boreholes for each pile will be drilled through the artificial fill materials so the piles can be installed without damage or misalignment and to prevent potentially contaminated fill materials from being pushed into the underlying sediments or groundwater or (2) an
equivalent process that can accomplish the same goal of installing the piles without damage
or misalignment and to prevent potentially contaminated fill materials from being pushed into
the underlying sediments or groundwater.

G. Serpentine Cover Plan: This plan shall be prepared for unrestricted residential
property in accordance with the Hunters Point Reuse Plan FEIR (2000) Mitigation Measure
8.A.

1. Prior to covering serpentine fill with a clean, non-serpentine, non-naturally
occurring asbestos containing fill or an equivalent cover, the applicant shall submit a
Serpentine Cover Plan to the Director that contains descriptions and figures designating the
different types of cover material that will be used.

2. If one foot of non-serpentine or non-naturally occurring asbestos containing fill
is to be used as a cover then the Serpentine Cover Plan shall include a sampling and
analysis plan that describes the protocols that will be used to verify that the one foot of cover
does not contain naturally occurring asbestos. Once the sampling and analysis plan is
approved by the Director then sampling shall be conducted to verify that the fill is acceptable
as a cover material. Alternatively, imported fill may be used as cover provided that it has
been tested for asbestos and verified not to contain asbestos, in accordance with the Soil
Importation Plan prepared pursuant to paragraph IV.E. of this regulation. The sample results
or verification of non-asbestos containing imported fill shall be submitted for the Director's
approval. The results or verification can be submitted as part of the Closure Report or as a
separate report.
3. A building, street, sidewalk, paving stones, rip rap or similar material, as determined by the Director, can be used as a cover in lieu of fill that is tested and verified to not contain naturally occurring asbestos.

4. The Serpentinite Cover Plan, or the Closure Report, shall describe how institutional controls will be implemented to prevent future excavation of the naturally occurring asbestos containing fill. The institutional controls may include, but shall not necessarily be limited to, compliance with Article 31, these regulations and their dust control plan requirements, as applicable, and must demonstrate that they will effectively prevent generation of dust, including dust containing naturally occurring asbestos, during future construction.

V. SITE EVALUATION REPORT

A Site Evaluation Report must include a project description, site history, data evaluation and determination as to whether additional information is necessary to adequately characterize the Prescribed Subsurface Activity Area prior to permit issuance as described below. All data must be provided in a form compatible with GIS, to the extent feasible. As described in Article 31 Section 3114 (a) (1), a Site Evaluation Report for a Prescribed Subsurface Activity Area that has an existing approved Closure Report and maps verifying placement of fill, as required, must include the project description information and a statement about the approved Closure Report and comply with the other requirements included in Article 31 (but need not include a site history, data evaluation, statement of adequate characterization, etc). As described in subdivision (A)(6) below, a Site Evaluation Report for a Prescribed Subsurface Activity Area subject to a durable cover requirement must include the project description information, reference appropriate CERCLA documents
and comply with the other requirements included in Article 31 (but need not include a site
history, data evaluation, statement of adequate characterization, etc.).


In addition to those requirements listed in Article 31, the Site Evaluation Report shall
contain all of the following, unless otherwise specified by the Director:

1. Project description, which must include:

   a. Block and lot numbers and address(es) of the proposed project and any
      subparcel designation;

   b. The permit being applied for, if any;

   c. The permit agency and application number assigned to the project, if
      applicable;

   d. The proposed workplan for the Prescribed Subsurface Activity Area,
      cross-referencing the Hunters Point Shipyard Redevelopment Plan and showing intended
      land uses.

   e. The name, address, and phone number of the following:
      
      (i) Contractor(s);

      (ii) Property Owner(s);

      (iii) Project Coordinator(s) or Expediter(s);

      (iv) Architect(s); and

      (v) Site Evaluation Preparer(s)

   f. A plot map, to scale, of the proposed project, proposed land uses, and
      the Prescribed Subsurface Activity Area. This plot map must include, but is not limited to, the
      following:

      (i) SCALE: 200 ft to 1 inch Minimum; and
(ii) LOCATION(S) of all previous buildings and potentially contaminating uses.

g. A detailed description of the Prescribed Subsurface Activity Area, including but not limited to:

(i) Lineal foot dimensions (i.e. length, width, and depth);

(ii) Any excavation or disturbance of soils during all phases of construction – both onsite and within the sidewalk(s) adjacent to project;

(iii) Planned landscaping, if any, during or after major construction is completed; and

(iv) The relationship of the Prescribed Subsurface Activity Area to the total project and the perimeter of the property line.

h. A line showing a 1,000 foot radius from the closest former landfill disposal area, if applicable. The Director will provide the Applicant with the most current data available to the Director on former landfill disposal areas.

2. Site history, which must include a summary of land use, location and years of existence of the buildings, structures or operations, suspected chemical substances used or produced with probable years of use and production, and identification of previous environmental investigations and remediation for the Prescribed Subsurface Activity Area. The report must be prepared based on the following list of core documents available as part of the Administrative Record for the Hunters Point Shipyard Site (located at the City of San Francisco's Main Library, 100 Larkin Street). The core documents include:

a. Final Basewide Environmental Baseline Survey, Revision 01, September 4, 1998

b. Draft Final Parcel A Remedial Investigation Report, September 22, 1995

c. Parcel specific Record of Decision (ROD) that describes the Prescribed
Subsurface Activity Area. Currently the following RODs exist:

- Parcel A ROD, dated November 16, 1995
- ROD Amendment for Parcel B, dated January 2009
- ROD for Parcel D-1, dated September 2009
- ROD for Parcel G, dated February 2009
- ROD for Parcel UC-1, dated August 2009
- ROD for Parcel UC-2, dated in December 2009.

d. Parcel specific Finding of Suitability for Transfer (FOST) or Early Transfer that describes the Prescribed Subsurface Activity Area. The Parcel A Finding of Suitability to Transfer was published on October 14, 2004.


f. Parcel specific Remedial Design Documents that exist for the Prescribed Subsurface Activity Area. Currently the following Remedial Design documents exist:

- Final IR7/18 Remedial Design dated January 2010
- Draft Parcel B Remedial Design dated February 2010
- Draft Parcel G Remedial Design dated February 2010

3. Data Evaluation, which must include a summary of existing soil and groundwater information and data, chemical plume maps and hydraulic gradient maps for each Prescribed Subsurface Activity Area. This data must be compared to the values listed in Table 1.

4. A determination of whether the sample results are greater than the values in Table 1. This determination need not be a direct comparison but may include the same or equivalent data analysis/methodology used by the Navy in evaluating the Hunters Point Shipyard, including statistical analysis, risk assessments and risk management.
5. The Applicant must demonstrate that the Prescribed Subsurface Activity Area is adequately characterized. In making this determination the Applicant shall use one of the following methods or an alternative method, providing the rationale for such determination:

   a. Existing sampling data.

      A. Number of samples based on existing data meets the grid size of
         no greater than 75 feet for a lot size of 100 feet by 125 feet or no greater than 150 feet for lot
         size exceeding 100 feet by 125 feet for each Prescribed Subsurface Activity Area.

      B. For former subsurface Navy utility lines: 1 sample every 150 linear feet

      C. Samples were collected at one foot less than the proposed depth
         of the excavation/grading and at a minimum of one sample for each 5-foot vertical interval.

      D. Samples were tested for chemicals of concern.

   b. For Tier I areas, the Applicant may make this determination by demonstrating that the criteria for Tier I areas is met.

   c. For Tier II areas, if the Applicant determines that potential unknown hazardous substances of concern can be identified through visual observation during the activity requiring the permit (e.g., grading or excavation), the Applicant shall submit, for approval by the Director, a protocol setting forth the steps that will be taken to visually identify those hazardous substances during the subsurface activity; sampling and analysis; management methods; record-keeping and reporting; and other appropriate measures that will be taken if hazardous substances are identified during the subsurface activity. Based on concurrence with the determination and approval of the protocol, the Director shall provide written notification to the Applicant and the permit-issuing agency that the Applicant has complied with the requirements of Article 31.
6. Notwithstanding the previous subdivisions, an Applicant submitting a Site Evaluation Report for property with a durable cover requirement may reference the ROD prepared under CERCLA for the parcel in which the Prescribed Subsurface Activity Area is located, or other core documents listed above containing relevant site history and data for the Prescribed Subsurface Activity Area, in lieu of the submissions otherwise required under subdivisions 2 through 5 of this subsection.

B. Site Evaluation Report Certification Statement.

The Site Evaluation Report shall contain a certification statement from the Site Evaluation Report preparer(s), that, "In my professional judgment and in accordance with standards of practice for my profession, the Site Evaluation Report, including the determination of whether additional information is needed to adequately characterize the area (as applicable), contains all required information, meets the requirements of all applicable law and properly evaluates the required information."

VI. SCOPE OF WORK TO COLLECT ADDITIONAL INFORMATION AND/OR DATA

If the Director, upon review of the Site Evaluation Report for any unrestricted residential property determines that additional information and/or data is necessary then Applicant must prepare and submit for the Director's approval a scope of work to collect additional information and/or data. Unless approved by the Director, soil samples must be collected and analyzed for all applicable constituents of concern which exceed the Table 1 values.

A. Minimum Standards for the Contents of the Scope of Work.

The Scope of Work shall contain the following:
1. A plot map, to scale, of the Prescribed Subsurface Activity Area that has been
determined to require additional investigation. This plot map must include, but is not limited
to, the following:

   SCALE: 50 ft to 1 inch Minimum (unless another scale has been
   previously approved for use)

   LOCATION(s) of all previous uses

   LOCATION(s) of Prescribed Subsurface Activity Area

   LOCATION(s) of previous (historical) and proposed sampling bores and depths

2. A discussion of the type (discrete or composite) and number of samples to be
taken and the rationale behind the sample location, sample type and number proposed.

   a. Number of samples must meet a grid size of no greater than 75 feet for a lot
      size of 100 feet by 125 feet or no greater than 150 feet for lot size exceeding 100 feet by 125
      feet for each Prescribed Subsurface Activity Area.

   b. For former Navy subsurface utility lines, one sample every 150 linear feet.

   c. Any alternative plan, if proposed, must be accompanied by the rationale for
      such proposal.

3. A discussion with rationale of field sampling protocol and quality
   assurance/quality control procedures.

4. A Health And Safety Plan supporting the collection of additional information
   and/or data, if not already detailed in the Site Specific Health and Safety Plan already
   submitted.

   B. Requirements Related to Lead Based Paint in Soil

   For unrestricted residential property, soil in areas that undergo demolition of lead
   based paint impacted buildings must be sampled in accordance with HUD Guidelines

Chapter 5, page 24 and 25 or http://www.hud.gov/offices/lead/lbp/hudguidelines/Ch05.pdf
using a 400 ppm standard for all areas rather than the standard otherwise applicable using
Table 1. A plan for collection and analysis of soil samples for lead must be submitted as a
Scope of Work to Collect Additional Information. For all HPS property, if all soil in areas that
undergo demolition of lead based paint impacted buildings is subject to a durable cover or an
engineered cap deed restriction or covenant to restrict use of property, then no further action
is required. If this durable cover or engineered cap deed restriction or covenant to restrict
use of property is removed and if the reuse is changed to unrestricted residential reuse then
a plan for collection and analysis of soil samples for lead shall be submitted.

C. **Scope of Work to Collect Additional Information Certification Statement.**

The Scope of Work to collect additional information shall include a statement from the
Scope of Work preparer(s), that, "In my professional judgment and in accordance with the
standards of practice for my profession the Scope of Work to Collect Additional Information
describes the conditions for the Prescribed Subsurface Activity Area, contains all required
information, meets the requirements of all applicable law and properly evaluates the required
information."

VII. **SUPPLEMENTAL SITE EVALUATION REPORT**

A Supplemental Site Evaluation Report must be prepared following implementation of
the Scope of Work to Collect Additional Information and/or Data.

A. **Minimum Standards for the Contents of the Supplemental Site Evaluation Report.**

1. The Supplemental Site Evaluation Report shall contain the following with all
data provided in a form compatible with the GIS, to the extent feasible:
a. A scale map with sample locations plotted with contaminants at concentrations exceeding the values listed in Table 1, respective concentrations, and depths indicated, and showing proposed land uses;

b. On the map, or a separate table, a comparison of the laboratory results and the analyte appropriate value of constituents of concern compared to the values listed in Table 1.

c. An analysis of all of the information and/or data in the Prescribed Subsurface Activity Area:

   (i) a determination of whether the Prescribed Subsurface Activity Area is adequately characterized;

   (ii) a determination of whether the sample results are greater than the values listed in Table 1. This determination need not be a direct comparison but may include the same or equivalent data analysis/methodology used by the Navy in performing the cleanup of the Hunters Point Shipyard, including statistical analysis, risk assessments and risk management.

B. **Supplemental Site Evaluation Report Certification Statement.**

The Supplemental Site Evaluation Report shall include a statement from the preparer that, "In my professional judgment and in accordance with standards of practice for my profession, the Supplemental Site Evaluation Report describes the conditions for the Prescribed Subsurface Activity Area, contains all required information, meets the requirements of all applicable law and properly evaluates the required information."

**VIII. RISK EVALUATION REPORT**

In unrestricted residential property, if the Applicant wishes to retain soil which has been required to be evaluated under the Site History and Data Evaluation Process that
exceeds the values in Table 1 in the Prescribed Subsurface Activity Area or elsewhere within unrestricted residential property, the Applicant shall prepare a Risk Evaluation Report, which may be combined with the Site Mitigation Plan. The Risk Evaluation Report must conclude that the property may be used for unrestricted residential use consistent with the FOST for the unrestricted residential property. The Risk Evaluation Report may use the same or equivalent data analysis/methodology used by the Navy during the cleanup of the Hunters Point Shipyard.

IX. SITE MITIGATION PLAN

A. When required. The Applicant must prepare a Site Mitigation Plan if the Applicant wishes to retain soil that exceeds the values in Table 1 within the unrestricted residential property.

B. Minimum Standards for the Contents of the Site Mitigation Plan. The Site Mitigation Plan shall contain the following:

1. A detailed description of the contemplated mitigation measures, including, if necessary, a Dust Control Plan, an Unknown Contaminant Contingency Plan, Disposal Plan, Site Specific Health And Safety Plan, and Soil Importation Plan and deed notice language (if necessary).

2. If Applicant determines that no mitigation measures are necessary then the rationale for such determination.

3. A list of requirements for all future contractors/owners/developers to include in their written Health and Safety Plan for all site workers who may be exposed to hazardous soils left in-place.

C. Site Mitigation Plan Certification Statement.
The Site Mitigation Plan shall include a statement from the preparer that, "In my professional judgment and in accordance with standards of practice for my profession, either no mitigation is required or the mitigation measures identified, if completed, will mitigate the significant environmental or health and safety risks caused or likely to be caused by the contamination left in the soil and that the property may be used for unrestricted residential use."

X. CLOSURE REPORT

A closure report must be prepared following completion of activities authorized by a permit subject to Article 31.

A. Minimum Standards for the Contents of the Closure Report. The Closure Report shall list the permit numbers (i.e. from DBI, DPW or DPH) or assigned Article 31 case numbers covered by the Closure Report and describe how and when the Dust Control Plan, Unknown Contaminant Contingency Plan, Disposal Plan, Site Specific Health And Safety Plan, Soil Importation Plan, Foundation Support Piles Installation Plan, Serpentinite Cover Plan, and Site Mitigation Plan, as applicable, were implemented and any changes that were made during implementation. The Report shall include any drawings, figures and pictures necessary. The Closure Report must include completed tracking spreadsheets (or equivalent) for disposal of excavated soil. The Closure Report shall include all environmental sampling data in a form compatible with GIS, to the extent feasible.

B. Closure Report Certification Statement.

The Closure Report shall include a statement from the preparer that, "In my professional judgment the control, safety, and mitigation measures identified in the Dust Control Plan, Unknown Contaminant Contingency Plan, Disposal Plan, Site Specific Health And Safety Plan, Soil Importation Plan, Foundation Support Piles Installation Plan,
Serpentinite Cover Plan, and Site Mitigation Plan, as applicable, and all other requirements
of applicable law were implemented as described in this report and in accordance with
standards of practice for my profession.”

XI. MAPS.

To assist with compliance with the ordinance and these regulations, the attached map
shows the Parcel boundaries, the historic fill areas, former landfill disposal sites and a line
representing the 1,000 foot perimeter from those landfill sites. For unrestricted residential
property, the map illustrates the Navy utility lines suspected to still be in place on the
property.

By: Dr. Mitchell Katz

Director, San Francisco Department of Public Health

Resolution No.

By: Mark Morewitz

Executive Secretary to the Health Commission
2010 Version of Health Code Article 31 Ordinance and Regulations

Is the Work Area on unrestricted residential property as determined by applicable Navy Record of Decision (research required)?

NO

(Work in these areas can’t start until future parcel transfers ≅ 2025 or later)

YES

Are you disturbing ≥50 cubic yards of soil??

NO

Article 31 does not apply

YES

Prepare Serpentinite Cover Plan (SCP). If SCP includes Soil Cover then Table 1 criteria must be used (research required - only after consultation with Env Health, Applicant would discover that criteria are outdated) and if soil will be imported then Soil Import Plan (SIP) must be prepared

Has the work area been evaluated in a previous Site Evaluation Report (SER) and was a Closure Report approved by the Director that verified no naturally occurring asbestos concerns or proper implementation of SCP?

NO

YES

Prepare proof of compliance with environmental restrictions (undefined – research required) in Covenants to Restrict Use of Property, deeds, Risk Management Plans, Operation and Management Plans and/or AOC & ETCA (no longer applicable) and include in Site Evaluation Report (SER)

Prepare SER that need not include site history, sampling, data evaluation or statement of adequate characterization

Was the area a) built on historic fill, b) continuously non-residential, or c) underlain by Navy utility lines (research required) or, in any case, are there hazardous substances??

NO

YES

Prepare SER including site history & evaluation of existing sampling data. Conduct Tier II evaluation and evaluate possibility of needing a Scope of Work and Supplemental Reports.

Prepare a Dust Control Plan, an Environmental Health and Safety Plan, and an Unexpected Condition Response Plan (UCRP)

Is Soil Import needed? Then prepare a SIP

Is Soil Disposal needed? Then prepare a Disposal Plan

Are foundation piles needed? Then prepare a Foundation Support Pile Installation Plan

Is the project in the Parcel E-2 landfill zone? (see Article 31 Map) Then include an Ordinance Section 3106 evaluation in the SER

Submit all Plans and Reports for approval by the Director. Once approved, build the project!

When construction is finished, submit a Closure Report

*OR are you constructing a well or demolishing building(s) with lead-based paint (LBP) (research required) (note: very few, if any, Applicants will have these tasks) Then follow "YES" path

**SER requires assessment of adequate characterization and may require sampling and subsequent reports