



City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH

London N. Breed, Mayor
Grant Colfax, MD, Director of Health

Patrick Fosdahl, MS, REHS
Director of Environmental Health

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 3 I

Patrick Fosdahl, MS, REHS
Director, Environmental Health

Community and Public Health Committee, July 18, 2023

Health Commission, August 15, 2023

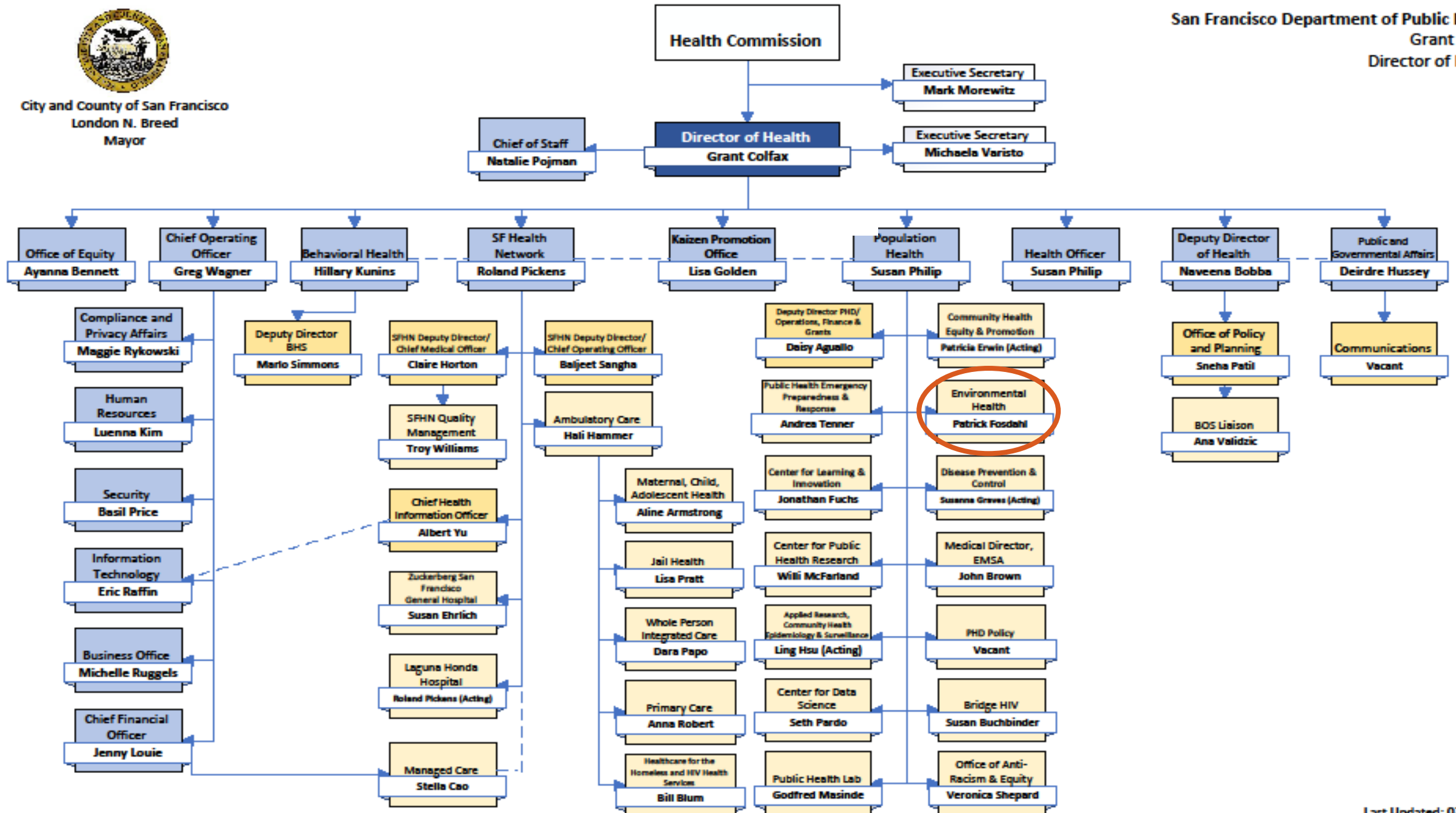


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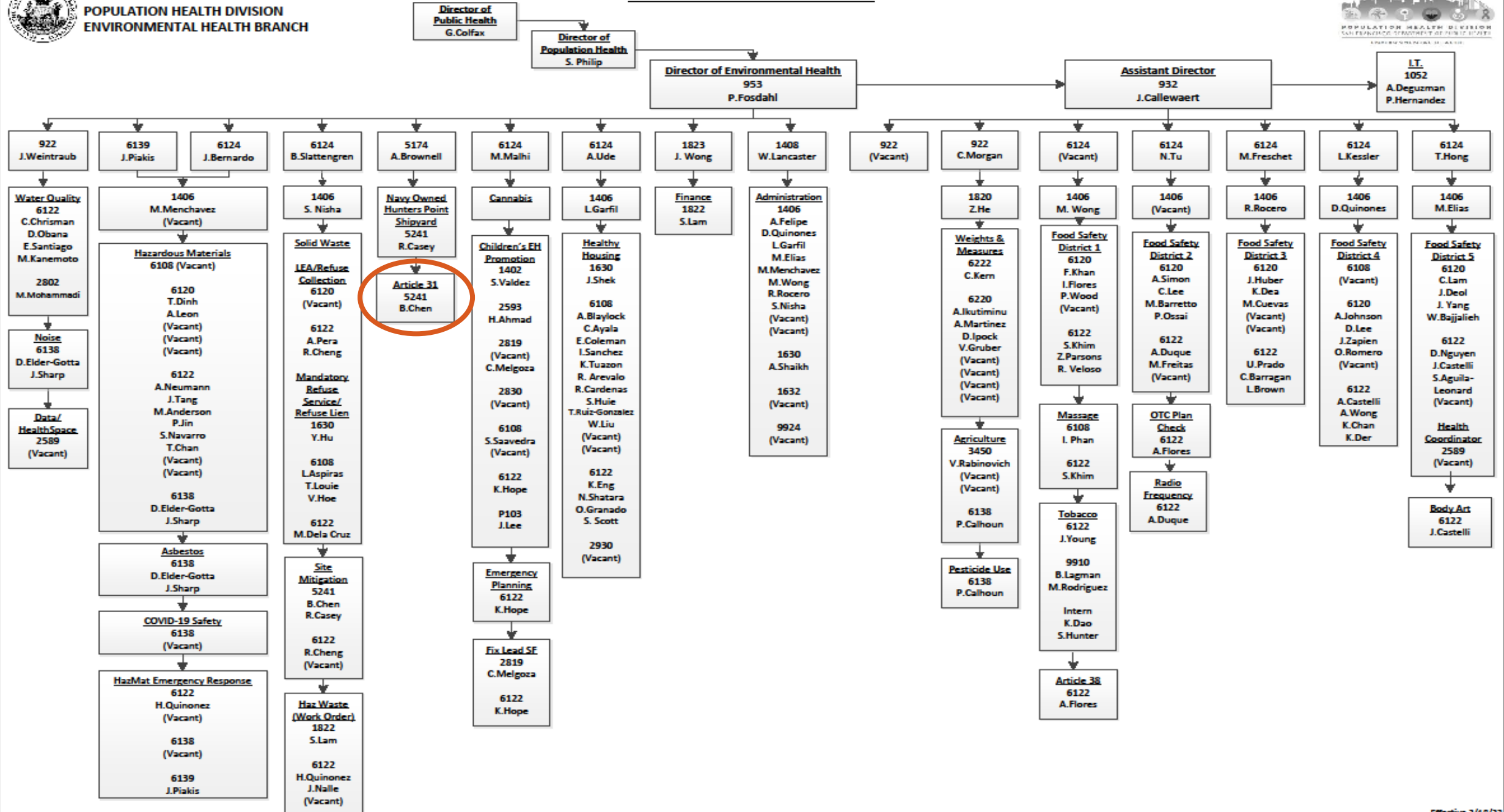
City and County of San Francisco
London N. Breed
Mayor

San Francisco Department of Public Health
Grant Colfax
Director of Health





ORGANIZATIONAL CHART

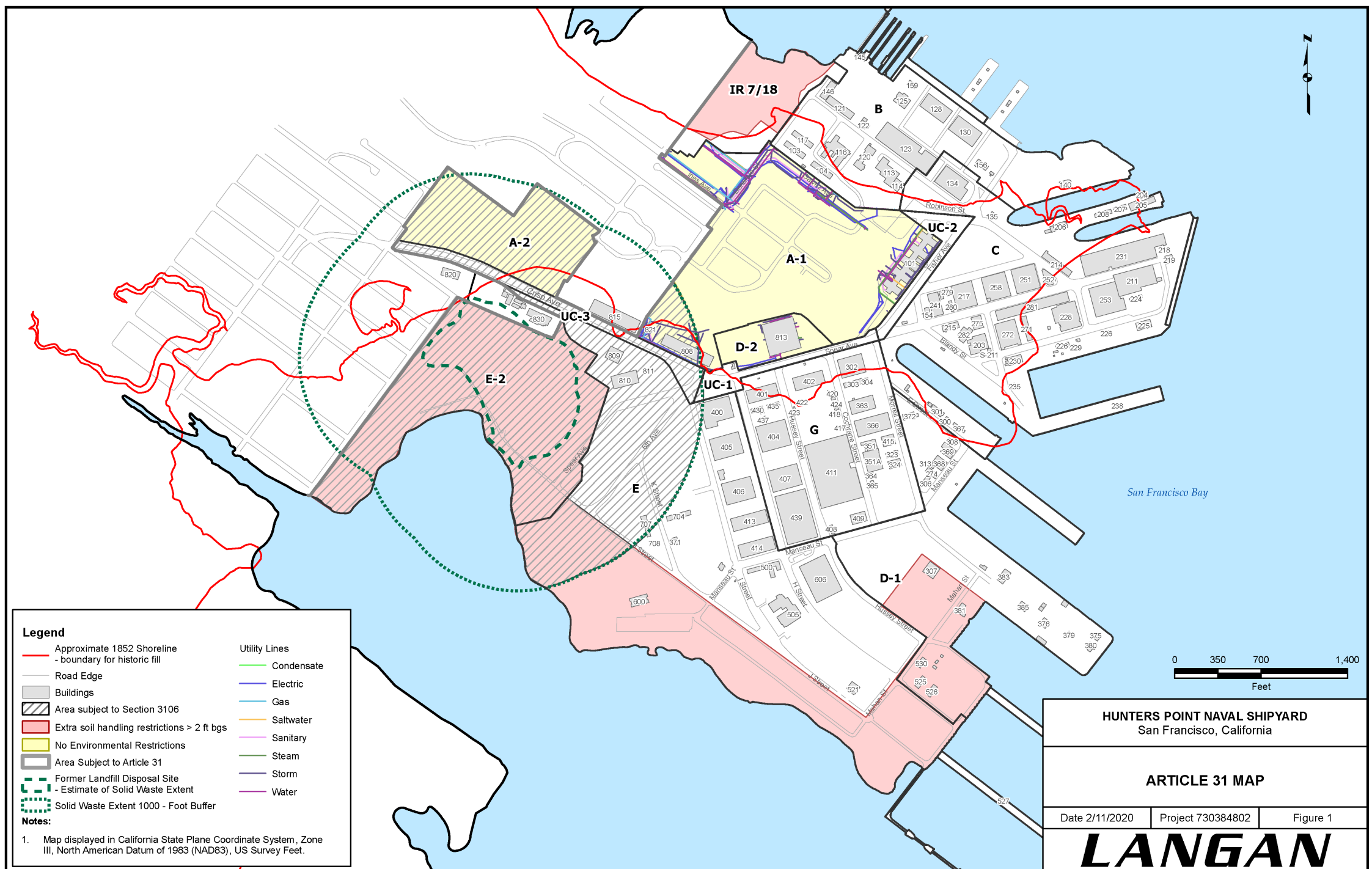


PRESENTATION OVERVIEW

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



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Legend

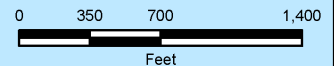
- | | |
|--|---------------|
| Approximate 1852 Shoreline - boundary for historic fill | Utility Lines |
| Road Edge | Condensate |
| Buildings | Electric |
| Area subject to Section 3106 | Gas |
| Extra soil handling restrictions > 2 ft bgs | Saltwater |
| No Environmental Restrictions | Sanitary |
| Area Subject to Article 31 | Steam |
| Former Landfill Disposal Site - Estimate of Solid Waste Extent | Storm |
| Solid Waste Extent 1000 - Foot Buffer | Water |

Notes:
 1. Map displayed in California State Plane Coordinate System, Zone III, North American Datum of 1983 (NAD83), US Survey Feet.

HUNTERS POINT NAVAL SHIPYARD
 San Francisco, California

ARTICLE 31 MAP

Date 2/11/2020	Project 730384802	Figure 1
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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



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WHAT DOES HEALTH CODE ARTICLE 3 I 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



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WHY AMEND HC ARTICLE 3 I REGULATIONS?

Update Language Based On Over 15 Years of Experience

- Administrative Changes
- Organizational Changes
- Easier to Understand



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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



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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

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

[CLICK HERE](#)

Questions? 415-252-3967



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We're moving to sf.gov, a user-centered, services-first, accessible website. [Go to SF.gov](#)

Environmental Health Air Quality Water Quality Noise Food and Agriculture Neighborhoods and Housing Environmental Hazards Business Regulation

Health Code Article 31 Revised Regulations -- Opportunity to Comment

San Francisco Health Code Article 31 governs shipyard redevelopment. The program ensures that redevelopment work that disturbs soils is conducted in a safe manner and protects the public's health.

The following announcement about revised regulations is also available in **Spanish**, **Filipino**, and **Chinese**.



The Director of Environmental Health has **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.

Questions? 415-252-3967

HELPFUL LINKS

[San Francisco Health Code \(SFHC\)](#)

[Draft SFHC 31 Regulations \(pdf\)](#)

[SFHC Article 31](#)

[Article 31 Application \(pdf\)](#)

[Article 31 Regulations \(pdf\)](#)

[Article 31 Map \(pdf\)](#)

[Article 31 Flow Chart](#)

Related Websites

[Listen, Learn, Share about Hunter's Point Shipyard](#)

[Office of Community Investment and Infrastructure](#)

[US EPA Superfund](#)

[US Navy's Base Realignment and Closure Program](#)

Related Documents

[Dust Control Plan \(pdf\)](#)

[Monitoring Locations \(pdf\)](#)

Environmental Health Article 31 webpage notice of Revised Regulations – Opportunity to Comment



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

THANK YOU!



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Attachment 2

Highlights of 2023 Revisions to Article 31 Regulations

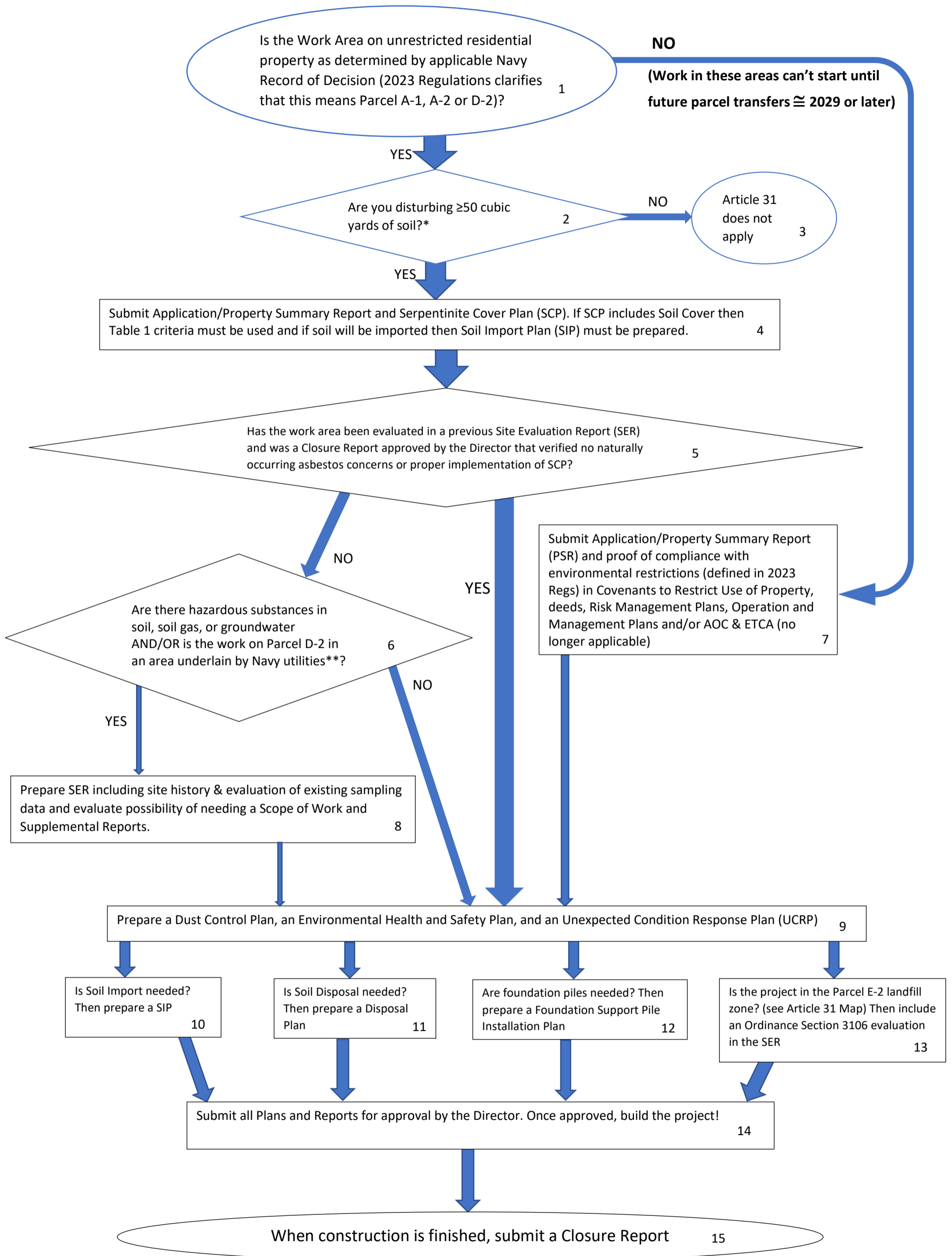
Highlights of 2023 Revisions to Article 31 Regulations

- 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.

Attachment 3

Process Chart

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



*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.

1 C. Applicability. These regulations apply to an Applicant as defined in Section 3101(a) of
2 Article 31 of the Health Code.

3 **II. DEFINITIONS**

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

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

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

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

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

24 F. “Property suitable for unrestricted residential use” means parcels that are free of
25 Environmental Restrictions requiring a Durable Cover or engineered cap. Presently, only
26 Parcels A-1, A-2 and D-2 meet this definition.

1 G. "Required Plans and Reports" means any of the following as defined in these
2 regulations:

- 3 1. Closure Report.
- 4 2. Disposal Plan.
- 5 3. Dust Control Plan.
- 6 4. Environmental Health and Safety Plan.
- 7 5. Evaluation for Lead-Based Paint in Soil.
- 8 6. Foundation Support Pile Installation Plan.
- 9 7. Property Summary Report. In addition to providing basic information about
10 the property, the property summary report is designed to satisfy the requirement
11 in Article 31 for a site evaluation report where the Director determines that
12 CERCLA documents provide the information otherwise required in a site
13 evaluation report.
- 14 8. Serpentine Cover Plan.
- 15 9. Site Evaluation Report.
- 16 10. Soil Import Plan.
- 17 11. Unexpected Condition Response Plan. Article 31 refers to this document as
18 an unknown contaminant contingency plan.
- 19 12. Any additional reports determined necessary by the Director in a particular
20 instance to carry out the purposes of the ordinance.

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

22 **III. ARTICLE 31 MAP**

23 The Article 31 Map, as defined in Article 31, Section 3107(d) is attached to these regulations as
24 Exhibit 1. The map shows the HPS area subject to Article 31, the boundaries of each parcel
25 established by the Navy for the purposes of remediation under the federal CERCLA, the former
26 landfill disposal site, and a demarcation line showing the area within 1,000 feet of the perimeter of the
27 landfill disposal site as further described in Section 3106 of Article 31 of the Health Code. For Navy

1 Parcels A-1, A-2, and D-2, the Article 31 Map shows the historic fill areas and utility lines remaining
2 from the Navy ownership era.

3 **IV. REQUIRED PLANS AND REPORTS.**

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

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

- 9 1. Disposal Plan.
- 10 2. Dust Control Plan.
- 11 3. Environmental Health and Safety Plan.
- 12 4. Foundation Support Pile Installation Plan.
- 13 5. Property Summary Report.
- 14 6. Soil Import Plan.
- 15 7. Unexpected Condition Response Plan.

16 B. Designated Areas of HPS. Under the circumstances enumerated in this section,
17 Applicants must submit the following additional Required Plans and Reports. With a few
18 exceptions, additional Required Plans and Reports are required only for Work on Parcels A-1,
19 A-2, and D-2 to satisfy the requirements in Section 3114¹ of Article 31 of the Health Code.

- 20 1. Evaluation for Lead Based Paint in Soil. This report is required if:
 - 21 a. The Work involves the demolition of any of these Navy Buildings
22 located on Parcel A-1 or D-2: 101, 808, 813, and 821; or
 - 23 b. The Work involves the demolition of any other Navy building
24 containing lead based paint and the land use for the Work Area is
25

27 ¹ The Director has determined that Section 3114 applies to Parcels A-1, A-2, and D-2. (See
28 Exhibit 2 for a list of parcel specific Navy documents)

1 designated for residential use free of an environmental restriction
2 requiring a durable cover or engineered cap over the soil.

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

5 3. Site Evaluation Report (SER) and Subsequent Reports to Site Evaluation.

6 a. A SER is required for work on:

7 i. Parcels A-1, A-2 or D-2 if the Director has evidence that
8 hazardous materials are present in the soil, soil gas or
9 groundwater in the Work Area; and/or

10 ii. Parcel D-2 if the Work Area is underlain by Navy-era utility
11 lines

12 b. Subsequent Reports to a Site Evaluation. If a SER is required, these
13 additional reports may be required as determined necessary by the
14 Director:

15 i. Scope of Work to Collect Additional Information.

16 ii. Supplemental SER.

17 iii. Site Mitigation Plan.

18 iv. Risk Evaluation Report.

19 C. Closure Report and Statement. Upon completion of the Work, all Applicants shall
20 submit a Closure Report and Closure Report Certification Statement.

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

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

26 The minimum requirements for Required Plans and Reports that may be applicable throughout the
27 HPS area as part of the permit application process are as follows:

- 1 A. Disposal Plan: If any offsite disposal of soil is proposed, Applicant must provide:
- 2 1. A list of landfills and contact information to be used for offsite disposal;
- 3 2. Examples of tracking spreadsheets (or equivalent). The tracking spreadsheets
- 4 must include: date of excavation, location of excavation, quantity of soil, soil
- 5 type, bill of lading or manifest number for disposal, soil transporter and landfill
- 6 name; and
- 7 3. As applicable, proof of how Applicant will comply with Phase I FEIR
- 8 Mitigation Measure 8.A, requiring certain asbestos to be treated as hazardous
- 9 waste, and Phase II FEIR Mitigation Measure HZ-3, requiring compliance with
- 10 all applicable legal requirements concerning offsite transport and disposal of
- 11 hazardous materials in contaminated soil.
- 12 B. Dust Control Plan (DCP). Applicant must prepare a DCP. The DCP must:
- 13 1. Comply with all of the following requirements that are applicable to the work:
- 14 a. Construction Dust Control Requirements in Article 22B of the Health
- 15 Code.
- 16 b. Phase I Project Mitigation Measures 2.B, concerning particulate
- 17 emissions from construction sites, and 8.A, concerning handling of
- 18 naturally occurring asbestos during construction.
- 19 c. Phase II Project Mitigation Measure MM HZ-15, concerning
- 20 management of construction dust.
- 21 d. DPW Order #171,378, as amended.
- 22 e. Bay Area Air Quality Management District (BAAQMD) regulations, as
- 23 amended, pertaining to visible dust, and dust from asbestos or lead-
- 24 based paint materials.
- 25 2. Provide for a community notice and complaint response process meeting the
- 26 following requirements:
- 27
- 28

- 1 a. Provides that prior to commencing any new area of earth disturbing
2 activities (i.e. or restarting an area that was previously stabilized and
3 undisturbed for more than a year), a notice (i.e. door hangar, post card,
4 flyer or equivalent) will be given to all residents in the same complex or
5 adjacent areas (i.e. across the street) that contains contact information
6 (i.e. phone number and email or equivalent) for real time reporting of
7 any dust control complaints.
- 8 b. Contains a description of the complaint response process.
- 9 c. Sets out the time frame within which the responsible entity will respond
10 to verified complaints (must be within two working days).

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

- 15 1. A health and safety risk or hazard analysis for each activity in the work plan.
- 16 2. Training requirements for employees, including:
- 17 a. Use of Personal Protective Equipment (PPE).
- 18 b. Work practices to minimize risk.
- 19 c. Use of engineering controls and equipment.
- 20 d. Medical surveillance requirements.
- 21 e. Identification of potential unexpected conditions and protocols detailed
22 in the UCRP.
- 23 3. PPE to be used for each site task.
- 24 4. Medical surveillance, as necessary.
- 25 5. Frequency and types of air monitoring, personnel monitoring, monitoring
26 techniques and maintenance of equipment.
- 27 6. Site control measures.
- 28

- 1 7. Decontamination procedures.
- 2 8. An emergency response plan.
- 3 9. A spill containment program.
- 4 10. Provisions for complying with Phase I Project Mitigation Measures 7.D, 7.E,
- 5 8.A and Phase II Project Mitigation Measure HZ-2a.2, as applicable to the Work
- 6 Area.
- 7 11. Provisions for complying with applicable Cal/Occupational Safety and Health
- 8 Administration (OSHA) rules and regulations in effect at the time the activity is
- 9 being conducted.

10 D. Foundation Support Pile Installation Plan. For all Work that involves installing
11 foundation support piles in artificial fill materials, Applicants must prepare a Foundation
12 Support Pile Installation Plan that satisfies the Phase II Project Mitigation Measure MM HZ-
13 5A. Specifically, the Foundation Support Piles Installation Plan must specify:

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

23 E. Property Summary Report (PSR). The PSR must include the information specified in
24 this paragraph. In the event an Applicant is required to prepare a SER per paragraph IV.B.3,
25 the SER may contain the information required for the PSR in lieu of submitting a separate
26 PSR. The PSR shall contain all the following information, unless otherwise specified by the
27 Director:

- 1 1. Description of the Work Area, including:
- 2 a. Block and lot numbers and address(es) of the proposed project and any
- 3 subparcel designation.
- 4 b. The permit being applied for, if any.
- 5 c. The permit agency and application number assigned to the project, if
- 6 applicable.
- 7 d. The proposed workplan for Work Area, cross-referencing the HPS
- 8 Redevelopment Plan and showing intended land uses.
- 9 e. The name, address, and phone number of the following:
- 10 i. Contractor(s).
- 11 ii. Property Owner(s).
- 12 iii. Project Coordinator(s) or Expediter(s).
- 13 iv. Architect(s).
- 14 v. PSR Preparer(s).
- 15 f. A plot map, to scale, of the proposed project, proposed land uses,
- 16 and the Work Area. This plot map must include, but is not
- 17 limited to, the following:
- 18 i. SCALE: 200 ft. to 1 inch Minimum.
- 19 ii. LOCATION(S) of all previous buildings and potentially
- 20 contaminating uses.
- 21 iii. A line showing a 1,000 foot radius from the former landfill
- 22 disposal area (see Article 31 Map), if applicable.
- 23 iv. All CERCLA and non-CERCLA monitoring wells in the Work
- 24 Area including Geographical Information System (GIS)
- 25 coordinates.
- 26 2. A reference to all the applicable CERCLA documents.
- 27
- 28

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 https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines (click on the link for Chapter 5 – Risk Assessment and Evaluation). A plan for collection and analysis of soil samples for lead must be submitted to the Director.

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

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

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

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

22 3. Vegetative cover that holds soil in place.

23 C. SER and Subsequent Reports to Site Evaluation.

24 The specifications for these reports are contained in attached Exhibit 2 and are applicable for
25 Parcels A-1, A-2 and D-2.

1 **VII. REQUIRED CLOSURE REPORT AND CERTIFICATION**

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

- 5 1. A list of the permit numbers (i.e. from DBI, DPW or DPH) and Article 31 case
6 numbers covered by the Closure Report.
- 7 2. A description of how and when the approved Required Plans and Reports were
8 implemented and any changes to the approved Required Plans and Reports that
9 were made during implementation.
- 10 3. For Work Areas that required soil import in compliance with an approved SIP,
11 electronic submittal of all required forms, tables, laboratory analytical results,
12 summary tables of analytical results, and any other information required or
13 voluntarily collected to demonstrate compliance under the SIP.
- 14 4. For Parcels A-1, A-2, or D-2, verification of the cover material placed over the
15 site as required by the SCP. The Director has determined that placement of
16 cover material over the Work Area in combination with the requirements of
17 Building Code Section 106A.3.2.5.1 satisfies the Phase I Project Mitigation
18 Measure 8A requirement to prevent future exposure to serpentinite material.
19 (See memo from Rajiv Bhatia and Amy Brownell, San Francisco Department of
20 Public Health to Bill Wycko, San Francisco City Planning Department, dated
21 June 14, 2011, on file with the Director).
- 22 5. Any drawings, figures and pictures necessary to demonstrate compliance.
23 Completed tracking spreadsheets (or equivalent) for disposal of excavated soil.
24 All environmental sampling data in a form compatible with GIS, to the extent
25 feasible.

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

4 **VIII. REPORT PREPARER’S QUALIFICATIONS**

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

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

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

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

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

- 21 1. Have experience in designing and installing foundation support piles in
22 potentially contaminated artificial fill materials.
- 23 2. Be one of the following:
 - 24 a. A Civil Engineer registered in the State of California.
 - 25 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.

TABLE 1

HAZARDOUS CONSTITUENT	LEVEL
Inorganic persistent and bioaccumulative toxic substances listed in 22 California Code of Regulations, title 22 section 66261.24(a)(2)(A) Volatile organic toxic pollutants listed in 40 C.F.R. Part 122, Appendix D, Table II Polychlorinated Biphenyls Pesticides Metals with the exception of Arsenic Semi-volatile organic compounds Polycyclic aromatic hydrocarbons	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: <ol style="list-style-type: none"> 1. Department of Toxic Substances Control (DTSC), 2019. Human and Ecological Risk Office Human Health Risk Assessment Note Number: 3, DTSC-modified Screening Levels (DTSCm), updated April. https://dtsc.ca.gov/wp-content/uploads/sites/31/2019/04/HHRA-Note-3-2019-04.pdf 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 https://www.waterboards.ca.gov/sanfrancisco

	cobay/water_issues/programs/esl.html 3. United States Environmental Protection Agency (US EPA). Regional Screening Levels for Residential Soils. https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables
Arsenic	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.
Asbestos	Less than 0.25% based on the screening level for NOA at school sites (DTSC, 2004) or any updates to this guidance.
pH levels	Hazardous Waste levels for corrosivity as defined in California Code of Regulations, title 22 section 66261.22.
Total petroleum hydrocarbons	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).
Radionuclides	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. https://epaprgs.ornl.gov/radionuclides/

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.

1 By: _____

2 Dr. Grant Colfax

3 Director, San Francisco Department of Public Health

4 Resolution No.

5

6 By: _____

7 Mark Morewitz

8 Executive Secretary to the Health Commission

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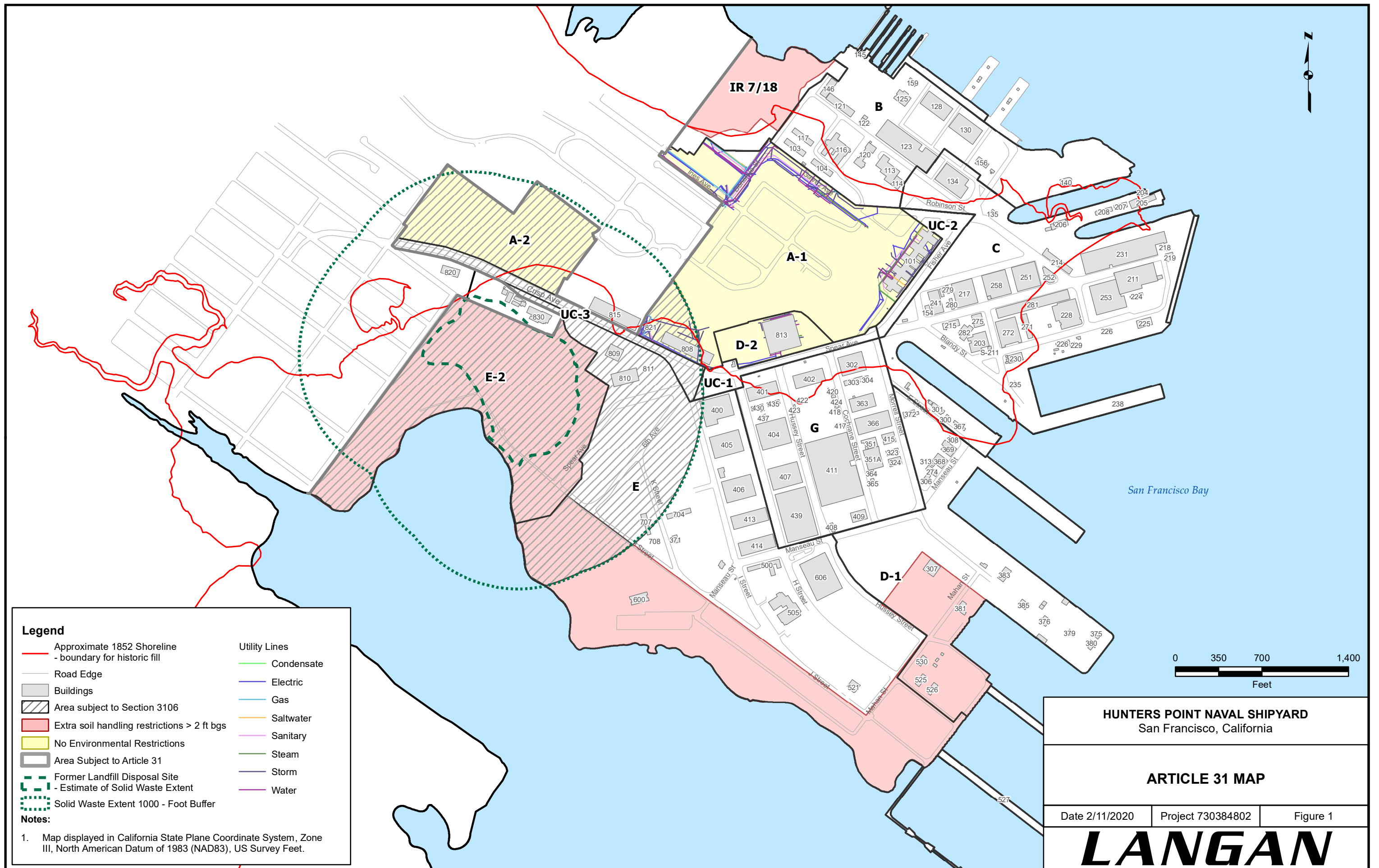
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Exhibit 1
Article 31 Map

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Legend

- Approximate 1852 Shoreline - boundary for historic fill
 - Road Edge
 - Buildings
 - Area subject to Section 3106
 - Extra soil handling restrictions > 2 ft bgs
 - No Environmental Restrictions
 - Area Subject to Article 31
 - Former Landfill Disposal Site - Estimate of Solid Waste Extent
 - Solid Waste Extent 1000 - Foot Buffer
- Utility Lines**
 - Condensate
 - Electric
 - Gas
 - Saltwater
 - Sanitary
 - Steam
 - Storm
 - Water

Notes:

1. Map displayed in California State Plane Coordinate System, Zone III, North American Datum of 1983 (NAD83), US Survey Feet.

HUNTERS POINT NAVAL SHIPYARD
San Francisco, California

ARTICLE 31 MAP

Date 2/11/2020

Project 730384802

Figure 1

LANGAN

1 Exhibit 2

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

3
4 I. Site Evaluation Report (SER).

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

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

- 20 1. Final Basewide Environmental Baseline Survey, Revision 01, September 4,
21 1998
22 2. Draft Final Parcel A Remedial Investigation Report, September 22, 1995
23

24 ² The 2005 SER and 2014 Addendum were prepared by an Applicant as required by the 2005
25 and 2010 versions of Article 31 of the Health Code for areas used continuously for residential
26 purposes but underlain by historic fill or Navy era utility lines. The Director approved the 2005 SER
27 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.

1 3. Parcel A and D-2 specific Record of Decisions (RODs) that describe the Work
2 Area. The Parcel A and D-2 RODs are dated November 1995 and August 2010,
3 respectively.

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

7 5. Final Historical Radiological Assessment, Volume II dated August 31, 2004.

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

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

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

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

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

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

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

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

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

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

16 C. Site Mitigation Plan and Risk Evaluation Report.

- 17 1. If the Supplemental SER shows that there is no existing contamination that
18 exceeds Table 1 as described below, the Director shall provide notification as
19 described in Section X.
- 20 2. If the Supplemental SER shows that there is existing contamination that exceeds
21 the screening criteria established by the Director and the Applicant wishes to
22 retain that soil in the Work Area or elsewhere within Parcels A-1, A-2, or D-2,
23 the Applicant must prepare and submit to the Director a Risk Evaluation Report
24 and a Site Mitigation Plan demonstrating the property can still be used for
25 unrestricted residential purposes consistent with the FOST. The Site Mitigation
26 Plan must include the Required Plans and Reports, as determined by the
27 Director to be applicable, and may include a deed notice, provided that any
28

1 notice is consistent with use for unrestricted residential purposes. The Director
2 must review and approve the Risk Evaluation Report and the Site Mitigation
3 Plan. Upon approval of these documents, the Director shall provide written
4 notification as described in Section X, and the Applicant must comply with the
5 Site Mitigation Plan.

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

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

Attachment 5

Existing Article 31 Regulations, Process Chart and Map

HUNTERS POINT SHIPYARD
REGULATIONS UNDER HEALTH CODE ARTICLE 31

Adopted November 16, 2004; amended June 15, 2010

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).

1 **II. REPORT PREPARER'S QUALIFICATIONS**

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

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

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

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

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

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

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

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

- 24 2. must be a:
25 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 1

<u>HAZARDOUS CONSTITUENT</u>	<u>LEVEL</u>
Inorganic persistent and bioaccumulative toxic substances listed in 22 Cal. Code Regs. §66261.24(a)(2)(A)	The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil
Volatile organic toxic pollutants listed in 40 C.F.R. Part 122, Appendix D, Table II	The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil
PCBs	The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil
pH levels	Hazardous Waste levels for corrosivity as defined in 22 Cal. Code Regs. §66261.22
Total petroleum hydrocarbons	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.
Pesticides	The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil
Metals	The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil
Radionuclides	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.
Semi-volatile organic compounds	The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil
Polycyclic aromatic hydrocarbons	The more stringent of either the most recent California Human Health Screening Level or U.S. EPA Regional Screening Level for residential soil

1 **IV. DUST CONTROL PLAN, UNKNOWN CONTAMINANT CONTINGENCY PLAN,**
2 **DISPOSAL PLAN, SITE SPECIFIC HEALTH AND SAFETY PLAN, SOIL IMPORTATION**
3 **PLAN, FOUNDATION SUPPORT PILES INSTALLATION PLAN AND SERPENTINITE**
4 **COVER PLAN.**

5 Whenever a Dust Control Plan; Unknown Contaminant Contingency Plan, Disposal
6 Plan, Site Specific Health and Safety Plan, Soil Importation Plan, Foundation Support Piles
7 Installation Plan or Serpentine Cover Plan is required pursuant to Article 31, the Applicant
8 shall prepare such plan to the satisfaction of the Director in accordance with the following
9 minimum requirements:
10

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

17 B. Unknown Contaminant Contingency Plan: Details on actions that will be taken
18 if previously unknown contamination is found, as required in the Candlestick Point-Hunters
19 Point Shipyard Phase II FEIR (2010), [specifically, Mitigation Measure MM HZ-2a.1];
20

21 C. Disposal Plans: Must include: a list of landfills and contact information to be
22 used for offsite disposal; examples of tracking spreadsheets (or equivalent) that must
23 include: date of excavation, location of excavation, quantity, soil type, bill of lading or
24 manifest number, transporter and landfill; and comply with Hunters Point Reuse Plan FEIR
25 Mitigation Measure 8.A.

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

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

18 F. Foundation Support Piles Installation Plan: Shall be prepared in accordance
19 with the Candlestick Point-Hunters Point Shipyard Phase II FEIR (2010), [specifically,
20 Mitigation Measure MM HZ-5A]. The Foundation Support Piles Installation Plan shall be
21 written for installing foundation support piles in artificial fill materials and shall specify: (1)
22 that pilot boreholes for each pile will be drilled through the artificial fill materials so the piles
23 can be installed without damage or misalignment and to prevent potentially contaminated fill
24 materials from being pushed into the underlying sediments or groundwater or (2) an
25

1 equivalent process that can accomplish the same goal of installing the piles without damage
2 or misalignment and to prevent potentially contaminated fill materials from being pushed into
3 the underlying sediments or groundwater.

4 G. Serpentinite Cover Plan: This plan shall be prepared for unrestricted residential
5 property in accordance with the Hunters Point Reuse Plan FEIR (2000) Mitigation Measure
6 8.A.
7

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

12 2. If one foot of non-serpentinite or non-naturally occurring asbestos containing fill
13 is to be used as a cover then the Serpentinite Cover Plan shall include a sampling and
14 analysis plan that describes the protocols that will be used to verify that the one foot of cover
15 does not contain naturally occurring asbestos. Once the sampling and analysis plan is
16 approved by the Director then sampling shall be conducted to verify that the fill is acceptable
17 as a cover material. Alternatively, imported fill may be used as cover provided that it has
18 been tested for asbestos and verified not to contain asbestos, in accordance with the Soil
19 Importation Plan prepared pursuant to paragraph IV.E. of this regulation. The sample results
20 or verification of non-asbestos containing imported fill shall be submitted for the Director's
21 approval. The results or verification can be submitted as part of the Closure Report or as a
22 separate report.
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24
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1 3. A building, street, sidewalk, paving stones, rip rap or similar material, as
2 determined by the Director, can be used as a cover in lieu of fill that is tested and verified to
3 not contain naturally occurring asbestos.

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

11
12 **V. SITE EVALUATION REPORT**

13 A Site Evaluation Report must include a project description, site history, data
14 evaluation and determination as to whether additional information is necessary to adequately
15 characterize the Prescribed Subsurface Activity Area prior to permit issuance as described
16 below. All data must be provided in a form compatible with GIS, to the extent feasible. As
17 described in Article 31 Section 3114 (a) (1), a Site Evaluation Report for a Prescribed
18 Subsurface Activity Area that has an existing approved Closure Report and maps verifying
19 placement of fill, as required, must include the project description information and a
20 statement about the approved Closure Report and comply with the other requirements
21 included in Article 31 (but need not include a site history, data evaluation, statement of
22 adequate characterization, etc). As described in subdivision (A)(6) below, a Site Evaluation
23 Report for a Prescribed Subsurface Activity Area subject to a durable cover requirement
24 must include the project description information, reference appropriate CERCLA documents
25

1 and comply with the other requirements included in Article 31 (but need not include a site
2 history, data evaluation, statement of adequate characterization, etc.).

3 A. Minimum Standards for the Contents of the Site Evaluation Report.

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

6 1. Project description, which must include:

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

9 b. The permit being applied for, if any;

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

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

15 e. The name, address, and phone number of the following:

16 (i) Contractor(s);

17 (ii) Property Owner(s);

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

19 (iv) Architect(s); and

20 (v) Site Evaluation Preparer(s)

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

24 (i) SCALE: 200 ft to 1 inch Minimum; and

25

1 (ii) LOCATION(S) of all previous buildings and potentially
2 contaminating uses.

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

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

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

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

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

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

15 2. Site history, which must include a summary of land use, location and years of
16 existence of the buildings, structures or operations, suspected chemical substances used or
17 produced with probable years of use and production, and identification of previous
18 environmental investigations and remediation for the Prescribed Subsurface Activity Area.

19 The report must be prepared based on the following list of core documents available as part
20 of the Administrative Record for the Hunters Point Shipyard Site (located at the City of San
21 Francisco's Main Library, 100 Larkin Street). The core documents include:

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

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

25 c. Parcel specific Record of Decision (ROD) that describes the Prescribed

1 Subsurface Activity Area. Currently the following RODs exist:

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

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

11 e. Final Historical Radiological Assessment, Volume II dated August 31,
12 2004.

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

- 15 • Final IR7/18 Remedial Design dated January 2010
- 16 • Draft Parcel B Remedial Design dated February 2010
- 17 • Draft Parcel G Remedial Design dated February 2010

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

22 4. A determination of whether the sample results are greater than the values in
23 Table 1. This determination need not be a direct comparison but may include the same or
24 equivalent data analysis/methodology used by the Navy in evaluating the Hunters Point
25 Shipyard, including statistical analysis, risk assessments and risk management.

1 5. The Applicant must demonstrate that the Prescribed Subsurface Activity Area is
2 adequately characterized. In making this determination the Applicant shall use one of the
3 following methods or an alternative method, providing the rationale for such determination:

4 a. Existing sampling data.

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

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

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

12 D Samples were tested for chemicals of concern.

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

15 c. For Tier II areas, if the Applicant determines that potential unknown
16 hazardous substances of concern can be identified through visual observation during the
17 activity requiring the permit (e.g., grading or excavation), the Applicant shall submit, for
18 approval by the Director, a protocol setting forth the steps that will be taken to visually identify
19 those hazardous substances during the subsurface activity; sampling and analysis;
20 management methods; record-keeping and reporting; and other appropriate measures that
21 will be taken if hazardous substances are identified during the subsurface activity. Based on
22 concurrence with the determination and approval of the protocol, the Director shall provide
23 written notification to the Applicant and the permit-issuing agency that the Applicant has
24 complied with the requirements of Article 31.

25

1 6. Notwithstanding the previous subdivisions, an Applicant submitting a Site
2 Evaluation Report for property with a durable cover requirement may reference the ROD
3 prepared under CERCLA for the parcel in which the Prescribed Subsurface Activity Area is
4 located, or other core documents listed above containing relevant site history and data for the
5 Prescribed Subsurface Activity Area, in lieu of the submissions otherwise required under
6 subdivisions 2 through 5 of this subsection.

7 B. Site Evaluation Report Certification Statement.

8 The Site Evaluation Report shall contain a certification statement from the Site
9 Evaluation Report preparer(s), that, "In my professional judgment and in accordance with
10 standards of practice for my profession, the Site Evaluation Report, including the
11 determination of whether additional information is needed to adequately characterize the
12 area (as applicable), contains all required information, meets the requirements of all
13 applicable law and properly evaluates the required information."
14

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

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

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

23 The Scope of Work shall contain the following:
24
25

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

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

6 LOCATION(S) of all previous uses

7 LOCATION(S) of Prescribed Subsurface Activity Area

8 LOCATION(S) of previous (historical) and proposed sampling bores and depths

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

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

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

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

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

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

22 B. Requirements Related to Lead Based Paint in Soil

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

25 Chapter 5, page 24 and 25 or <http://www.hud.gov/offices/lead/lbp/hudguidelines/Ch05.pdf>

1 using a 400 ppm standard for all areas rather than the standard otherwise applicable using
2 Table 1. A plan for collection and analysis of soil samples for lead must be submitted as a
3 Scope of Work to Collect Additional Information. For all HPS property, if all soil in areas that
4 undergo demolition of lead based paint impacted buildings is subject to a durable cover or an
5 engineered cap deed restriction or covenant to restrict use of property, then no further action
6 is required. If this durable cover or engineered cap deed restriction or covenant to restrict
7 use of property is removed and if the reuse is changed to unrestricted residential reuse then
8 a plan for collection and analysis of soil samples for lead shall be submitted.

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

10 The Scope of Work to collect additional information shall include a statement from the
11 Scope of Work preparer(s), that, "In my professional judgment and in accordance with the
12 standards of practice for my profession the Scope of Work to Collect Additional Information
13 describes the conditions for the Prescribed Subsurface Activity Area, contains all required
14 information, meets the requirements of all applicable law and properly evaluates the required
15 information."
16

17 **VII. SUPPLEMENTAL SITE EVALUATION REPORT**

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

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

22 1. The Supplemental Site Evaluation Report shall contain the following with all
23 data provided in a form compatible with the GIS, to the extent feasible:
24
25

1 a. A scale map with sample locations plotted with contaminants at
2 concentrations exceeding the values listed in Table 1, respective concentrations, and depths
3 indicated, and showing proposed land uses;

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

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

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

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

16 B. Supplemental Site Evaluation Report Certification Statement.

17 The Supplemental Site Evaluation Report shall include a statement from the preparer
18 that, "In my professional judgment and in accordance with standards of practice for my
19 profession, the Supplemental Site Evaluation Report describes the conditions for the
20 Prescribed Subsurface Activity Area, contains all required information, meets the
21 requirements of all applicable law and properly evaluates the required information."
22

23 **VIII. RISK EVALUATION REPORT**

24 In unrestricted residential property, if the Applicant wishes to retain soil which has
25 been required to be evaluated under the Site History and Data Evaluation Process that

1 exceeds the values in Table 1 in the Prescribed Subsurface Activity Area or elsewhere within
2 unrestricted residential property, the Applicant shall prepare a Risk Evaluation Report, which
3 may be combined with the Site Mitigation Plan. The Risk Evaluation Report must conclude
4 that the property may be used for unrestricted residential use consistent with the FOST for
5 the unrestricted residential property. The Risk Evaluation Report may use the same or
6 equivalent data analysis/methodology used by the Navy during the cleanup of the Hunters
7 Point Shipyard.

8
9 **IX. SITE MITIGATION PLAN**

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

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

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

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

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

24 C. Site Mitigation Plan Certification Statement.
25

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

7
8 **X. CLOSURE REPORT**

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

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

21 B. Closure Report Certification Statement.

22 The Closure Report shall include a statement from the preparer that, "In my
23 professional judgment the control, safety, and mitigation measures identified in the Dust
24 Control Plan, Unknown Contaminant Contingency Plan, Disposal Plan, Site Specific Health
25 And Safety Plan, Soil Importation Plan, Foundation Support Piles Installation Plan,

1 Serpentine Cover Plan, and Site Mitigation Plan, as applicable, and all other requirements
2 of applicable law were implemented as described in this report and in accordance with
3 standards of practice for my profession.”
4

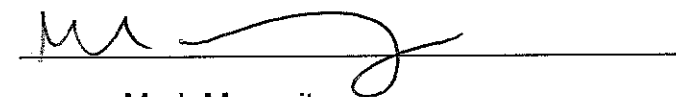
5 **XI. MAPS.**

6 To assist with compliance with the ordinance and these regulations, the attached map
7 shows the Parcel boundaries, the historic fill areas, former landfill disposal sites and a line
8 representing the 1,000 foot perimeter from those landfill sites. For unrestricted residential
9 property, the map illustrates the Navy utility lines suspected to still be in place on the
10 property.
11

12
13 By: 
14 Dr. Mitchell Katz

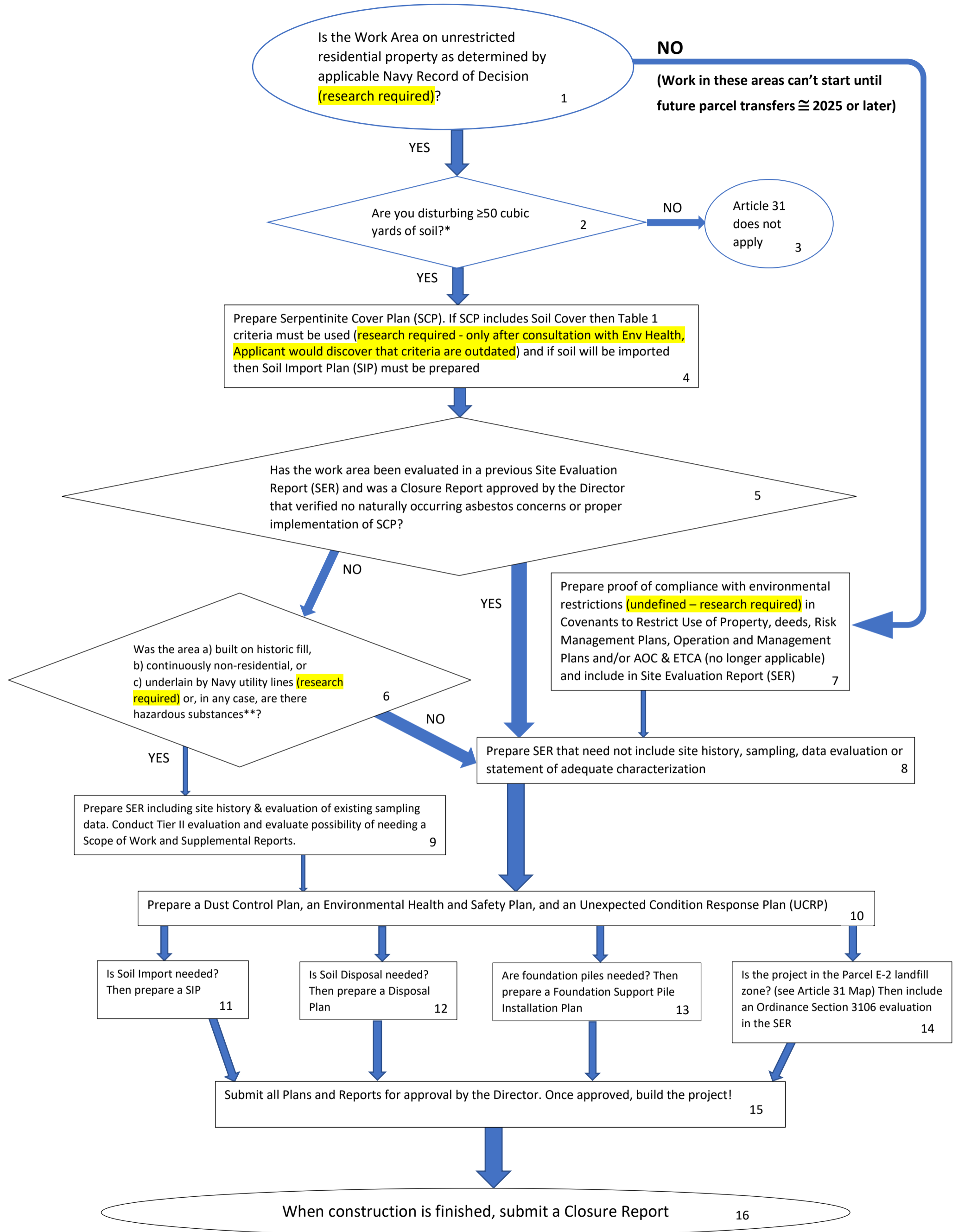
15 Director, San Francisco Department of Public Health
16

17 Resolution No.
18

19
20 By: 
21 Mark Morewitz

22 Executive Secretary to the Health Commission
23
24
25

2010 Version of Health Code Article 31 Ordinance and Regulations



*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

