



SAN FRANCISCO HEALTH CODE ARTICLE 22A (MAHER ORDINANCE) PROGRAM DESCRIPTION AND PROCESS

San Francisco Health Code, Article 22A (Maher Ordinance)

The text of the [San Francisco Health Code \(SFHC\), Article 22A](#) (Maher Ordinance) is available for your review at codelibrary.amlegal.com/codes/san_francisco/latest/sf_health/. The requirements of the Maher Ordinance are summarized here for your convenience. However, it is recommended that you or your consultant review the Maher Ordinance in its entirety.

Maher Ordinance as Implemented by the San Francisco Department of Public Health

The Maher Ordinance, per SFHC Article 22A, applies to sites seeking a Department of Building Inspection Permit and planning to move at least 50 cubic yards of soil in areas of Bay fill, areas of current or historical industrial use, areas within 150 feet of an elevated freeway or areas within 100 feet of sites with current or past underground storage tanks (including but not limited to current and former gas stations and dry cleaners). The areas are designated on a map at the SF Planning Department, Environmental Planning. A Block and Lot (assessor's numbers) information is available from the Planning Department Property Information web site at: <https://sfplanninggis.org/pim/map.html?layers=Maher%20Ordinance>

Any site not in a mapped or listed Maher area can be designated as under Maher should an agency or owner want San Francisco Department of Public Health (DPH) Environmental Health Branch (EHB) sign off regarding potential contaminants on site. Waivers from further Maher requirements may be available for sites with long histories of single family or duplex residential use within the Maher Ordinance mapped area. The application and supporting documentation requested below must be submitted. EHB Site Assessment and Mitigation Program (EHB-SAM) will then determine if a waiver is warranted.

MAHER PROCESS STEPS:

- Submit the Application and Fee.
- Site history report (Phase I Report).
- Work Plan for subsurface investigation in soil, groundwater, and soil vapor (Phase 2 Work Plan). Phase 2 Work Plan approval then implementation.
- Subsurface Investigation Report (Phase 2 Report).
- Site Mitigation Plan (SMP). SMP approval then implementation.
- Final Project Report summarizing SMP implementation. Land-Use Covenant (LUC) recordation, if applicable.

MAHER PROCESS STEPS IN DETAIL:

Submit the Application and Fee:

The Site Mitigation and Assessment Application (Maher Application) is available online:

- Go to <https://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp>

- Under “Related Documents” in the “Helpful Links” box on the right hand side of the webpage, Select Maher Application Form.
- The fillable application should open on your screen.

Submit completed application, any supporting document(s), and current fee to SFDPH in the following manner to enroll in the Maher Program:

- **Email** application and any supporting document(s) to: DPH-SiteMitGeneral@sfdph.org. If supporting document(s) is/are too large, please provide file sharing link on the email with the application. Alternatively, EHB-SAM will send you a secure file sharing link if requested in your email.
- **Mail or Deliver** a check for the current fee to: San Francisco Department of Public Health
Environmental Health Branch
Site Assessment and Mitigation Program
49 South Van Ness Ave, Ste 600
San Francisco, CA 94103

For the current application fee, please refer to the [Fee Schedule](#) link on our website (www.sfdph.org/dph/eh) under Hazardous Waste Soil Testing. Indicate Project Name and Address on the check.

EHB-SAM recommends that the project proponent, architect, and environmental consultant meet briefly with EHB-SAM to discuss the proposed project and answer any questions.

Documents to Submit with Application: A site history report, usually a Phase I Environmental Site Assessment (Phase I Report) is required by the Maher Ordinance. The Phase I Report should be recently completed. Submittal of a geotechnical report, any other environmental reports, and site plan and elevation drawings are also useful for the EHB-SAM reviewer.

Documents Generated during initial Maher Review Process: The Maher Ordinance requires a work plan for subsurface sampling and analysis (Phase 2 Work Plan) for all projects. The project applicant should hire an environmental consultant to prepare and submit the Phase 2 Work Plan describing subsurface sampling for the proposed project site. The sampling should extend to at least the total depth of planned excavation (soil disturbance) including the depth of utilities and elevator pits. Groundwater and soil vapor samples should be collected and analyzed. The Maher Ordinance requires analyses of the hazardous substances including, but not limited to: metals, volatile organic compounds (VOCs), total petroleum hydrocarbons (TPHs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), pH, cyanides, methane and other flammable gases, and naturally occurring asbestos. [SFHC Article 22A, Section 22A.7](#) contains the complete list of analytes.

Subsurface Investigation Report (Phase 2 Report): Submitted to EHB-SAM following completion of the subsurface sampling and analysis. The Phase 2 Report shall also include an explanation of the sampling and testing methodology, the results of the soil, soil vapor, and/or groundwater analyses, and a comparison of the analytical results to current State and Federal screening levels. Currently, the SF Bay Regional Water Quality Control Board Environmental Screening Levels are used by EHB-SAM

If contamination is detected in the subsurface, a Site Mitigation Plan (SMP) is required. The SMP should describe procedures, methods, and devices proposed to mitigate or remove contaminated soil, groundwater, and soil vapor. The SMP should include figures and drawings showing soil waste

classifications, areas and depths of soil excavation or treatment, and any mitigating measures such as visual indicator barriers, vapor venting systems, etc. A SMP includes environmental contingency procedures, post excavation confirmation sampling, and a commitment to prepare and certify a final project report. The SMP should also reference and briefly describe construction related documents (dust, stormwater, odor, and noise controls). EHB-SAM will provide additional guidance regarding the SMP upon review of the Phase 2 Report. EHB-SAM will review the SMP and reply with a letter either (1) commenting and requesting clarifications or (2) accepting the SMP. The project applicant has the responsibility to implement and complete the mitigation measures summarized in the approved SMP.

Sites with mitigating measures installed or residual contamination present shall record a Land Use Covenant (LUC) for the property with the San Francisco Recorder's office. EHB-SAM will provide a draft version of the LUC deed restriction, if one is required.

Sites ½ acre or large must submit a Dust Control Plan that complies with the [San Francisco Health Code Article 22B](#).

The applicant must submit a Certified Final Project Report describing implementation of the SMP after completion of site earth work activities and installation of any required mitigating measures. Certification language is provided in the Maher Ordinance.

Should you have any questions regarding the Maher Ordinance program, please contact EHB-SAM at (415) 252-3800.