

Comment period is closed.

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 3114<sup>1</sup> 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

---

27 <sup>1</sup> 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           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. 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](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  
28

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"> <li>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.  <a href="https://dtsc.ca.gov/wp-content/uploads/sites/31/2019/04/HHRA-Note-3-2019-04.pdf">https://dtsc.ca.gov/wp-content/uploads/sites/31/2019/04/HHRA-Note-3-2019-04.pdf</a></li> <li>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/sanfrancisco">https://www.waterboards.ca.gov/sanfrancisco</a></li> </ol>

	<a href="http://cobay/water_issues/programs/esl.html">cobay/water_issues/programs/esl.html</a> 3. United States Environmental Protection Agency (US EPA). Regional Screening Levels for Residential Soils. <a href="https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables">https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables</a>
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. <a href="https://epaprgs.ornl.gov/radionuclides/">https://epaprgs.ornl.gov/radionuclides/</a>

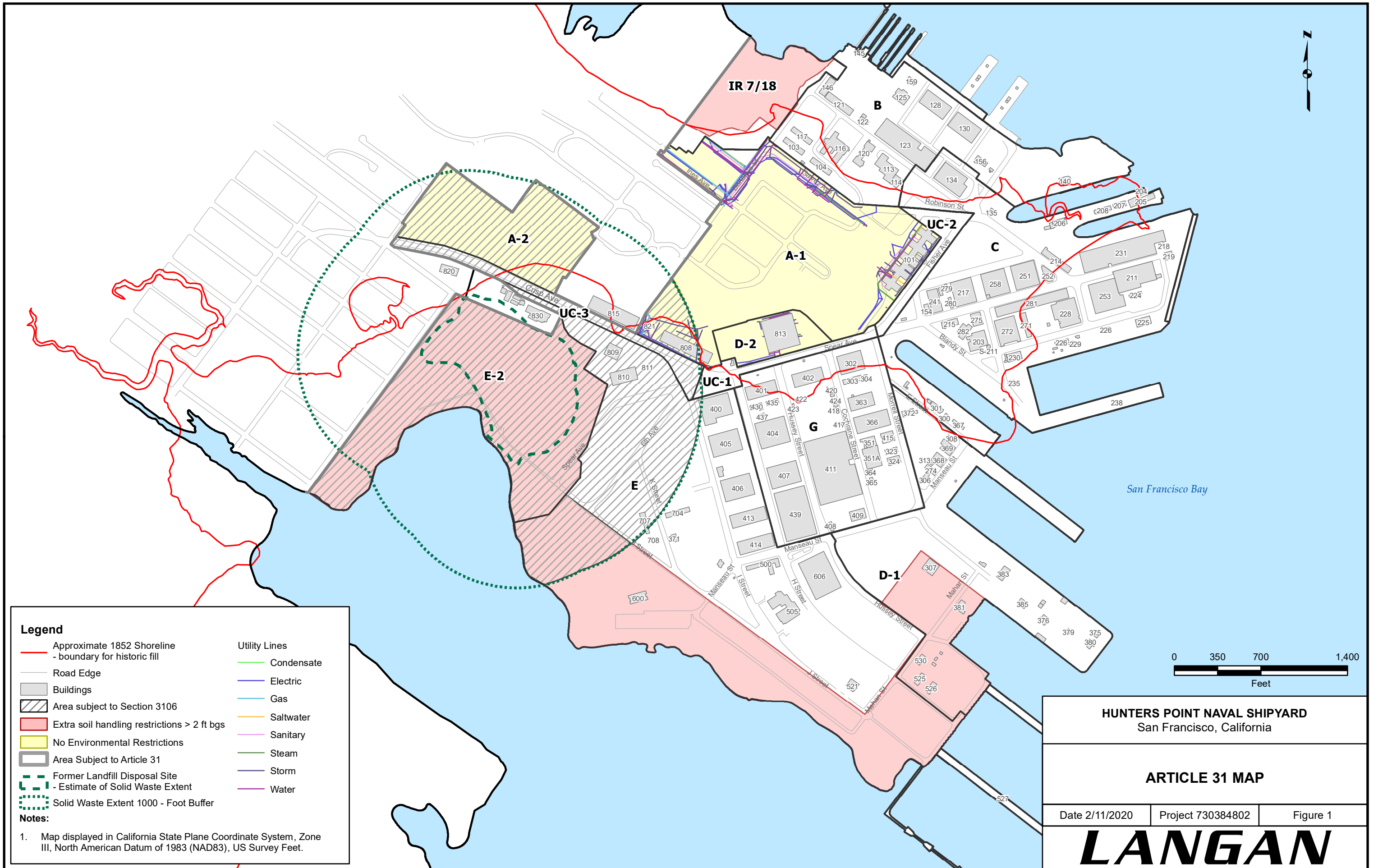
**X. DIRECTOR'S WRITTEN NOTIFICATION OF COMPLIANCE**

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.



Exhibit 1  
Article 31 Map

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



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.<sup>2</sup> 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 <sup>2</sup> 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  
28

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.