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.

The Director of Environmental Health is accepting comments on these 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. Please email your comments to: HCArticle31-HPS@sfdph.org by Friday April 3, 2020

Comment period is closed.
C. **Applicability.** These regulations apply to an Applicant as defined in Section 3101(a) of Article 31 of the Health Code.

II. **DEFINITIONS**

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

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

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

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

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

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

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

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

III. ARTICLE 31 MAP

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

IV. REQUIRED PLANS AND REPORTS.

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

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

1. Disposal Plan.
2. Dust Control Plan.

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

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

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

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

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

C. Closure Report and Statement. Upon completion of the Work, all Applicants shall

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

V. MINIMUM REQUIREMENTS FOR REQUIRED PLANS AND REPORTS, ALL
AREAS OF HPS.
The minimum requirements for Required Plans and Reports that may be applicable throughout the
HPS area as part of the permit application process are as follows:
A. **Disposal Plan:** If any offsite disposal of soil is proposed, Applicant must provide:

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

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

1. Comply with all of the following requirements that are applicable to the work:
   c. Phase II Project Mitigation Measure MM HZ-15, concerning management of construction dust.
   d. DPW Order #171,378, as amended.
   e. Bay Area Air Quality Management District (BAAQMD) regulations, as amended, pertaining to visible dust, and dust from asbestos or lead-based paint materials.
2. Provide for a community notice and complaint response process meeting the following requirements:
C. Environmental Health and Safety Plan (EHSP). Applicant must prepare an EHSP to address the safety and health hazards of each phase of the site operation. Applicant is advised to follow the outline for an EHSP in an approved Risk Management Plan if one exists for the Work Area. The EHSP must include:

1. A health and safety risk or hazard analysis for each activity in the work plan.
2. Training requirements for employees, including:
   a. Use of Personal Protective Equipment (PPE).
   b. Work practices to minimize risk.
   c. Use of engineering controls and equipment.
   d. Medical surveillance requirements.
   e. Identification of potential unexpected conditions and protocols detailed in the UCRP.
3. PPE to be used for each site task.
4. Medical surveillance, as necessary.
5. Frequency and types of air monitoring, personnel monitoring, monitoring techniques and maintenance of equipment.
6. Site control measures.
7. Decontamination procedures.
9. A spill containment program.
11. Provisions for complying with applicable Cal/Occupational Safety and Health Administration (OSHA) rules and regulations in effect at the time the activity is being conducted.

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

1. Pilot boreholes for each pile that will be drilled through the artificial fill materials so the piles can be installed without damage or misalignment and to prevent potentially contaminated fill materials from being pushed into the underlying sediments or groundwater.

2. Alternatively, the Foundation Support Piles Installation Plan may specify an equivalent process that the Director determines will accomplish the same goal of installing the piles without damage or misalignment and prevent potentially contaminated fill materials from being pushed into the underlying sediments or groundwater.

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

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

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

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

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

4. Material Classification.

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

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

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

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

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

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

2. If lead based paint is found to exist on these structures, the soil surrounding the buildings must be sampled in accordance with U.S. Department of Housing and Urban Development’s (HUD)Lead-Based Paint Guidelines Chapter 5, pages 24 and 25, using the current lead based paint in soil standards in accordance with levels established on Table 1 in Section IX, Soil Screening Criteria. The HUD Guidelines are available at https://www.hud.gov/program_offices/healthy_homes/lbp/huguidelines (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.
3. If elevated levels of lead are found in the soil samples, a plan for excavation of any soil exceeding the Table 1 Section IX levels must be submitted to the Director. Once the work is done a report summarizing the results and, if needed, documenting the excavation of areas above the screening goal must be submitted.

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

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

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

3. Vegetative cover that holds soil in place.

C. SER and Subsequent Reports to Site Evaluation.

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

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

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

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

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

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

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

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

VIII. REPORT PREPARER’S QUALIFICATIONS

A. The preparer(s) of all Required Plans and Reports except the EHSP and the Foundation Support Piles Installation Plan, must:
   1. Have experience or educational background in environmental site history.
   2. Be one or more of the following who is registered or certified by the State of California:
      a. A Civil or Chemical Engineer.
      b. A Geologist.
      c. A Hydrogeologist.
      d. A person with an equivalent registration as determined by the Director.

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

C. The preparer(s) of the Foundation Support Piles Installation Plan must:
   1. Have experience in designing and installing foundation support piles in potentially contaminated artificial fill materials.
   2. Be one of the following:
      a. A Civil Engineer registered in the State of California.
      b. A person with an equivalent registration as determined by the Director.
IX. SOIL SCREENING CRITERIA

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

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

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

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

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

### TABLE 1

<table>
<thead>
<tr>
<th>HAZARDOUS CONSTITUENT</th>
<th>LEVEL</th>
</tr>
</thead>
</table>
| Inorganic persistent and bioaccumulative toxic substances listed in 22 California Code of Regulations, title 22 section 66261.24(a)(2)(A) | 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:
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/sanfrancis](https://www.waterboards.ca.gov/sanfrancis) |
<p>| 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                                                     |  |</p>
<table>
<thead>
<tr>
<th>Substance</th>
<th>Level or Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>11 mg/kg based on Duvergé, D.J., 2011. Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region. San Francisco State University. December. Or as may be approved by the Director.</td>
</tr>
<tr>
<td>Asbestos</td>
<td>Less than 0.25% based on the screening level for NOA at school sites (DTSC, 2004) or any updates to this guidance.</td>
</tr>
<tr>
<td>pH levels</td>
<td>Hazardous Waste levels for corrosivity as defined in California Code of Regulations, title 22 section 66261.22.</td>
</tr>
<tr>
<td>Total petroleum hydrocarbons</td>
<td>RWQCB ESLs or any subsequent equivalent updates including wholesale changes to the name or structure of screening levels by RWQCB as approved by the Director (see website above).</td>
</tr>
<tr>
<td>Radionuclides</td>
<td>Current calculated US EPA Preliminary Remediation Goals for radionuclide contaminants at Superfund sites (or as they may be updated from time to time in the future) using site specific input parameters for residential soil as approved by the Director.</td>
</tr>
</tbody>
</table>

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

The Director shall provide Applicant and the relevant department with written notification that Applicant has complied with the requirements of this Article and any applicable requirements in Article 12B of the Health Code concerning monitoring wells. As a condition of permit approval, in carrying out the permitted work, Applicant shall be required to comply with Required Plans and Reports, as determined by the Director to be applicable, and all laws applicable to soil removal and off-site disposal.
Exhibit 1

Article 31 Map
HUNTERS POINT NAVAL SHIPYARD
San Francisco, California

ARTICLE 31 MAP

Date 2/11/2020  Project 730384802  Figure 1

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:

0 350 700 1,400 Feet
Exhibit 2

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


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

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

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

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

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


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

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

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

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

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

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

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

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

A. Scope of Work to Collect Additional Information. If the Director determines additional
information is needed to adequately characterize the Work Area, Applicant must prepare and
obtain Director’s approval of a Scope of Work to Collect Additional Information.
B. Supplemental SER. If a Supplemental SER is required, Applicant shall implement the
approved Scope of Work to Collect Additional Information and submit the results in a
Supplemental SER.
C. Site Mitigation Plan and Risk Evaluation Report.
   1. If the Supplemental SER shows that there is no existing contamination that
      exceeds Table 1 as described below, the Director shall provide notification as
      described in Section X.
   2. If the Supplemental SER shows that there is existing contamination that exceeds
      the screening criteria established by the Director and the Applicant wishes to
      retain that soil in the Work Area or elsewhere within Parcels A-1, A-2, or D-2,
      the Applicant must prepare and submit to the Director a Risk Evaluation Report
      and a Site Mitigation Plan demonstrating the property can still be used for
      unrestricted residential purposes consistent with the FOST. The Site Mitigation
      Plan must include the Required Plans and Reports, as determined by the
      Director to be applicable, and may include a deed notice, provided that any
notice is consistent with use for unrestricted residential purposes. The Director must review and approve the Risk Evaluation Report and the Site Mitigation Plan. Upon approval of these documents, the Director shall provide written notification as described in Section X, and the Applicant must comply with the Site Mitigation Plan.

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

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