



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

**Maher Ordinance**

The text of the Maher Ordinance, Article 22A of the San Francisco Health Code is available for your review at <http://www.sfdph.org/dph/eh/>. Select San Francisco Health Code beneath the Business heading on the Environmental Health page. 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 Program as Implemented by the San Francisco Department of Public Health**

The Maher Program, per San Francisco Health Code (SF HC) Article 22A, applies to sites seeking a Department of Building Inspection Permits 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 and 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: <http://ec2-50-17-237-182.compute-1.amazonaws.com/PIM/>.

Any site not in a mapped or listed Maher area can be designated as under Maher should an agency or owner want SF DPH 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. DPH Site Assessment and Mitigation (DPH SAM) will then determine if a waiver is warranted.

**MAHER PROCESS STEPS:**

- Application and fee
- Site history report (Phase I ESA)
- Work Plan for subsurface investigation (soil, groundwater and soil vapor), Work Plan approval then implementation
- Subsurface Investigation Report
- Site Mitigation Plan (SMP), SMP approval then implementation
- Final Certified Project Report summarizing SMP implementation.

**MAHER PROCESS STEPS IN DETAIL:**

Submit the Application and Fee:

**The Maher Program Application (1 page) is available online:**

- Go to [www.sfdph.org](http://www.sfdph.org)
- Select Records, Permits& Licensing tab
- Under this tab, select Forms

- Under the gray heading “Permits for businesses with hazardous materials” Select Maher Ordinance Application
- The fill-in-the-blank application should open on your screen.

Submit the application, fee and any supporting documentation to: SF DPH, Site Assessment and Mitigation Program, 1390 Market Street, Suite 210, San Francisco CA 94102. Submit any existing environmental documents in CD format. For the current application fee, please refer to the [Fee Schedule](#) link on our website ([www.sfdph.org/dph/eh](http://www.sfdph.org/dph/eh)) under Hazardous Waste Soil Testing.

DPH SAM recommends that the project proponent, architect and environmental consultant meet briefly with DPH 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) is required by the Maher Ordinance. The Phase I should be recently completed. CD copies of a geotechnical report, any other environmental reports, and site plan and elevation drawings, are also useful for the DPH reviewer.

Documents Generated for and Reviewed by SF DPH during Maher Process: The Maher Ordinance requires a work plan for subsurface sampling and analysis for all projects. The project applicant should hire an environmental consultant to prepare and submit a work plan describing subsurface sampling for the proposed project site. The sampling should extend to at least the total planned depth of excavation (soil disturbance) including the depth of utilities and elevator pits. Groundwater samples should be collected and analyzed. The Maher Ordinance requires analyses of the hazardous substances including, but not limited to: Metals, volatile organic compounds (VOC), total petroleum hydrocarbons, semi-volatile organic compounds (SVOC), PCBs, pH levels, cyanides, methane and other flammable gases, and naturally occurring asbestos. The Maher Ordinance (Article 22A) contains the complete list of analytes.

Subsurface Investigation Report (Soil Analysis Report) (SIR): Submitted to DPH SAM following completion of the subsurface sampling and analysis. The SIR shall also include an explanation of the sampling and testing methodology, the results of the soil and/or groundwater analyses, and a comparison of the analytical results to State and Federal guidelines and standards.

If contamination is detected, a Site Mitigation Plan (SMP) is required. The SMP should describe procedures, methods and devices 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 over contaminated soil, 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). DPH SAM will provide additional guidance regarding the SMP upon review of the SIR. DPH SAM will review the SMP and reply with a letter commenting and requesting clarifications or accepting the SMP. The project applicant has the responsibility to implement and complete the mitigation measures in an approved SMP.

Sites with a mitigating measure or residual contamination shall file an Activities and Use Limitation (AUL) deed restriction with the San Francisco Assessor’s office. DPH SAM will provide a draft version of the AUL deed restriction if 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 earthwork and installation of any required mitigating measures. Certification language is provided in the Maier Ordinance.

Should you have any questions regarding the Maier Ordinance program please contact, SF DPH SAM at (415) 252-3880.