

New Planning Code Summary:

Expanded Maher Ordinance

Code Changes: Admin. Code
Case Number: Board File No. 130369

Initiated by: Mayor Edwin Lee

Effective Date: 8/26/13

The Way It Was:

- Only projects that were located near the City's eastern shoreline (See Exhibit C) that disturb 50 cubic yards or more of soil were subject to the Analyzing the Soil for Hazardous Wastes Ordinance [BF No. 128-85-5/Ord. No 253-86] (hereinafter "Maher Ordinance") (adopted 1986). The Maher Ordinance required project sponsors to conduct a site history, and potentially test soils for hazardous materials. If contamination was found on the site, Maher required appropriate handling, clean-up or capping of contaminated sites. The over-arching goal of the Maher Ordinance was to protect the public health and safety by requiring appropriate handling, treatment, disposal and when necessary, mitigation of contaminated soils that are encountered in the building construction process.
- Ground water contamination was not covered by the old Maher Ordinance.
- The Maher Ordinance was administered largely by the Department of Building Inspection (hereinafter DBI) and the Department of Public Health (hereinafter DPH). DBI was in charge of permit review and site inspection, and DPH oversees site histories, work plans and mitigation plans.
- For some sites outside of existing Maher Ordinance geographic boundary, site history, testing for and remediation of contaminated soils and groundwater was still required for development projects; however, that requirement was only enforceable on a case-by-case basis through CEQA mitigation measures and conditions of project approval.
- City agencies such as the Department of Public Works (hereinafter DPW), the Public Utilities Commission (hereinafter PUC) and the Recreation and Parks Department are also subject to the Maher Ordinance, and projects outside of the Maher zone sponsored by City agencies are also subject to CEQA review and remediation.

The Way It Is Now:

- The Ordinance would expanded the geographic boundary of the Maher Ordinance (See Exhibit C) to include properties throughout the City where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with industrial uses or underground storage tanks, sites with historic bay fill, sites in close proximity to freeways or underground storage tanks.
- The Maher Ordinance still requires project sponsors to conduct a site history, and potentially test soils for hazardous materials. If contamination is found on the site, Maher requires appropriate handling, clean-up or capping of contaminated sites.

- The over-arching goal of the Maher Ordinance is still to protect the public health and safety by requiring appropriate handling, treatment, disposal and when necessary, mitigation of contaminated soils that are encountered in the building construction process.
- City Agencies are also be covered under the expanded Maher Ordinance.
- The revised Maher Ordinance includes testing of groundwaterwhen hazardous materials and groundwater are on site.
- The Maher Ordinance is still administered largely by the Department of Building Inspection (hereinafter DBI) and the Department of Public Health (hereinafter DPH). DBI is in charge of permit review and site inspection, and DPH oversees site histories, work plans and mitigation plans.

Link to signed legislation:

130369	0155-13	08/24/2013	Building, Health, Public Works Codes - Soil and/or Groundwater Testing Requirements
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