



Navigating Environmental Reviews for Emergency Repairs

ONAP ER Webinar Series

- Basic environmental review forms
 - ✓ Project descriptions, levels of review
- Aggregation
 - ✓ Grouping related activities into a single project
- **Emergency repairs – today**
- Reevaluation – November 17, 2022

Introduction

- Emergencies happen! Addressing emergency situations can be stressful and confusing
 - ✓ Environmental reviews are still required even for emergency repairs that need to happen quickly
 - ✓ The type of environmental review depends on the scope of work
 - ✓ “Imminent threats” projects are not the same thing as emergency repairs

Objectives

- Differentiate imminent threats and emergency repairs
 - ✓ Exemption at 58.34(a)(10) and how to document it
 - 2012 Disaster/Emergencies Memo
 - COVID Memo
- Discussion of environmental reviews for emergency repairs
 - ✓ Determining the level of review for different types of emergency repair activities
 - ✓ Ways to increase efficiency in environmental reviews

Imminent threats vs. emergency repairs

- Activities to address **imminent threats** to public safety
 - ✓ Exempt environmental review under 58.34(a)(10)
 - ✓ *Not deferred maintenance*
- **Emergency repairs** - rehab or maintenance proposed to bring the building up to code or for the health and safety of occupants
 - ✓ Level of environmental review depends on the actual activity and scope of work

Exempt (58.34(a)) activities

58.34(a)(10) is an exemption for imminent threats to public safety

Environmental and other studies (1)

Resource Identification (1)

Development of plans and strategies (1)

Information and financial services (2)

Administrative and Management Activities (3)

Public services, e.g., employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation, welfare, recreational needs (4)

Inspections and testing for hazards or defects (5)

Purchase of insurance (6) and tools (7)

Engineering or design costs (8)

Technical assistance and training (9)

Temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities to control or arrest the effects from disasters or imminent threats to public safety, including those resulting from physical deterioration (10)

Payments of principal and interest on loans or obligations guaranteed by HUD (11)

HUD Memo on ERs for Emergencies



OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

DEC 11 2012

MEMORANDUM FOR: Regional Environmental Officers
Field Environmental Officers

FROM: *Danielle Schopp*
Danielle Schopp, Director, Office of Environment and Energy, DGE

SUBJECT: Environmental Review Processing During Emergencies and
Following Disasters under 24 CFR Part 58

When responding to emergencies using HUD assistance, responsible entities can perform many activities without completing an environmental review or with shortened comment periods. If a project is exempt under 24 CFR 58.34 or categorically excluded not subject to the related laws and authorities (CENST) under 24 CFR 58.35(b), the project file only needs to make a reference to the applicable exemption or CENST and document compliance with 24 CFR 58.6 requirements. Additionally, comment periods for projects that are not exempt or CENST may be combined during Presidentially declared disaster or local emergencies declared by the chief elected official for the responsible entity.

HUD Memo on ERs for Emergencies

Emergencies and Condensed Comment Periods

During Presidentially declared disasters or local emergencies declared by the chief elected official for the responsible entity, emergency activities that are not exempt or CENST can receive expedited processing. Under 24 CFR 58.33(b), if, during these situations, funds are needed on an emergency basis and adherence to separate comment periods would prevent the giving of assistance, responsible entities can publish the combined Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI/RROF) simultaneously with the submission of the RROF. The notice must state that funds are needed on an emergency basis due to a declared disaster and that the comment periods have been combined. The notice must also invite commenters to submit their comments to both HUD and the responsible entity issuing the notice. By combining these comment periods, the comment period obligations of 24 CFR 58.45 and 24 CFR 58.74 can be met simultaneously over 15 days.

Exemptions and Cat Ex Not Subject to §58.5 Related Laws and Authorities

In the immediate aftermath of a disaster event, responsible entities can fund many activities without the need for an environmental review. These activities include the (1) purchase of tools, supplies, and equipment (including generators that are not permanent fixtures); (2) supportive services for health care, housing, housing placement, day care, and short-term rent payment; (3) public services related to crime prevention and health; (4) inspections and testing for hazards; (5) engineering and design costs; (6) technical assistance and training; (7) environmental and other studies and planning and development strategies; (8) tenant-based rental assistance; and (9) assistance for temporary or permanent improvements that do not alter environmental conditions and

HUD Memo on ERs for Emergencies

Exemption for Improvements Related to Disasters and Imminent Threats

Responsible entities must follow this guidance when using the exemption at 24 CFR 58.34(a)(10) for activities necessary to control or arrest the effects from disasters or imminent threats to public safety.

Sec. 58.34(a)(10) reads:

"(a) Except for the applicable requirements of Sec. 58.6, the responsible entity does not have to comply with the requirements of this part or undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities cited in Sec. 58.5 for the activities exempt by this section or projects consisting solely of the following exempt activities:

(10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;"

HUD Memo: Exemption at 58.34(a)(10)

To be eligible for the exemption provided by 24 CFR 58.34(a)(10), the responsible entity must document the presence of certain conditions that justify the determination of the exemption. The following three conditions must be met:

1. The activities "do not alter environmental conditions" including any of the following: The activity does not: (i) affect significant elements of properties listed on or eligible for listing on the National Register of Historic Places, *either* per consultation with the SHPO *or* per a determination under 36 CFR 800.3(a)(1) that the undertaking is a type of activity that does not have the potential to cause effects on historic properties assuming that historic properties are present; (ii) replace, either through rebuilding or major rehabilitation, structures within a floodplain (SFHA) as determined by the most recent FEMA maps or FIRM that would require additional elevation or other changes; (iii) involve an inappropriate occupancy of a known hazardous site or of a site contiguous to a known hazardous site; (iv) involve work on sites that could adversely impact the known critical habitat of endangered species; or (v) alter a building's footprint.

HUD Memo: Exemption at 58.34(a)(10)

- To meet this exemption, the project cannot
 - ✓ Affect significant elements of historic properties
 - ✓ Replace structures in a floodplain
 - ✓ Occupy a known contaminated site (or be next to one)
 - ✓ Affect critical habitat of an endangered species
 - ✓ Alter a building's footprint

HUD Memo: Exemption at 58.34(a)(10)

2. The activities are "limited to protection, repair, or restoration activities necessary to control or arrest the effects": The activity does not include new additions, relocation, or enlargements, or changes to the primary use or density of occupancy; and includes work that (i) provides temporary protection from further damage to a building or structure, or that makes permanent repairs to a damaged building or structure; or (ii) is for restoration of essential community services and related utilities and facilities to their condition prior to the disaster without significant change in size or capacity.

■ Examples:

- ✓ Damage to a structure after a tornado, earthquake, or hurricane
 - Building needs to be 'shored up' or stabilized
- ✓ Widespread exposed asbestos in a building
 - Public cannot safely enter the building until asbestos abatement activities are performed

HUD Memo: Exemption at 58.34(a)(10)

3. The activities are necessary "only to control or arrest the effects from disaster or imminent threats to public safety including those resulting from physical deterioration"; Disasters are state or federally declared disasters. An imminent threat to public safety is a threat to the general public outside the building who may be harmed by the collapse of the building. Condemnation for occupancy of a building is inadequate to demonstrate an imminent threat to public safety because it does not demonstrate a harm to the general public outside of the building.

Example of an imminent threat

- A building could collapse onto the street and hurt passersby (whether from physical deterioration or following an earthquake, fire, or tornado)
 - ✓ **Shoring up/stabilizing the building** would qualify for the 58.34(a)(10) exemption.
 - ✓ Rehabbing the building would require a CEST review.
 - ✓ Demolition/reconstruction of the building would require a CEST review if it is a single-family home (≤ 4 units) or EA otherwise

Example of an imminent threat

- Widespread exposed asbestos in a building
 - ✓ **Cordoning off sections of the building/limiting building access** would qualify for the 58.34(a)(10) exemption.
 - ✓ Rehabbing the building/remediating the asbestos would require a CEST review.
 - ✓ Demolition/reconstruction of the building would require a CEST review if it is a home (≤ 4 units) or EA otherwise

2020 COVID-19 Notice



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

Special attention of:

Regional Directors
Field Office Directors
CPD Division Directors
Regional Environmental Officers
Responsible Entities
ONAP Administrators
Program Environmental Clearance Officers

Notice: CPD-20-07

Issued: **August 6, 2020**

Expires: This Notice is effective until amended, superseded, or rescinded

SUBJECT: Guidance on conducting environmental reviews pursuant to 24 CFR Part 58 for activities undertaken in response to the public health emergency as a result of COVID-19¹

2020 COVID-19 Notice: 58.34(a)(10)

To document that an activity meets this exemption, the Environmental Review Record (ERR) must document compliance with 24 CFR 58.6 and also show that the action meets the following conditions:

1. Activities "do not alter environmental conditions," because they do not:
 - (i) Irreversibly affect significant elements of properties listed on or eligible for listing on the National Register of Historic Places, and all activities are limited to temporary interior improvements to such properties. Reversible building improvements are permitted;⁶
 - (ii) Replace, reconstruct, or substantially improve structures within a floodplain (SFHA) as determined by a current, preliminary, or pending Flood Insurance Rate Map (FIRM) that would require elevation or other changes;
 - (iii) Involve occupancy of a project site that is impacted by contamination or hazardous substances;
 - (iv) Involve work on sites that may affect threatened or endangered species or critical habitat;
 - (v) Involve new construction in a wetland; and
 - (vi) Otherwise permanently alter environmental conditions.

2020 COVID-19 Notice: 58.34(a)(10)

2. Activities must be limited to temporary or permanent improvements necessary to control or stop the imminent threat to public safety. Projects necessary to control and stop the rate of infection and treat patients with COVID-19 include, but are not limited to, improvements that: expand the capacity of healthcare facilities; use vacant or under-utilized property with only minimal ground disturbance or renovate facilities to use as temporary hospitals, healthcare facilities, clinics, quarantine, mortuary facilities, or homeless shelters; allow the use of hotels/motels to provide quarantine and treatment facilities, shelter, and alleviate overcrowding to prevent the spread of infection; expand the production and distribution of prepared food, groceries, equipment, and supplies; and provide mobile sanitation facilities.

Responsible Entities (RE) must document the project meets the § 58.34(a)(10) exemption by completing the Exempt/CENST environmental review format and attaching an addendum to the ERR that describes how the activity or activities meet the two conditions stated in this section, including why the project is necessary to respond to the coronavirus. If using HUD Environmental Review Online System (HEROS), upload the addendum to the Project Summary page. Refer to the Table of Activities in Appendix A for additional examples of activities that may meet the § 58.34(a)(10) exemption requirements.

Examples of activities that may meet the §58.34(a)(10) exemption if they fit within the conditions described in Section II, 1-2 and are undertaken to prevent, prepare for, and respond to coronavirus

- Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities.
- Providing water and setting up mobile or temporary water and sanitation stations to prevent the spread of infection.
- Provide grants or loans to support new businesses or business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease.
- Assistance for interim improvements to residential properties to enable an individual patient to receive in-home treatment and remain quarantined on a temporary basis.
- Renovate, reconfigure, or expand healthcare facilities to serve increased number of patients and increase the number of available intensive care units.
- Renovate a community center or other existing buildings to establish an infectious disease treatment center.
- Improvements to motels or hotel buildings to expand the capacity of healthcare facilities to accommodate isolation of patients during recovery.
- Improvements to existing residential buildings, group living facilities, and homeless shelters to prevent the spread of COVID-19 by providing a separate area to treat and quarantine residents.
- Set up temporary shelters; renovate motels, hotels, existing residential buildings, and community centers for homeless individuals to provide quarantine space to prevent the spread of infection and address overcrowding.
- Temporarily use vacant or underutilized land with only minimal ground disturbance or existing buildings to set up temporary hospitals, healthcare facilities, clinics, quarantine areas, or mortuary facilities; provide health checkpoints; and provide other services.
- Expand or repurpose food distribution facilities or other commercial facilities to prepare meals for delivery to quarantined individuals or individuals that need to maintain social distancing due to local requirements or medical vulnerabilities.

Note: §58.34(a)(10) does not apply if the project involves acquisition.

Documenting Applicability of 58.34(a)(10)

Imminent Threat Exemption Checklist **Addendum to the Exempt/CENST format** **for a Project that is Exempt under 24 CFR 58.34(a)(10)**

HUD recommends using this checklist to confirm that a project undertaken in response to COVID-19 meets the conditions of the emergency exemption at § 58.34(a)(10). For guidance on the imminent threat exemption, refer to Notice CPD 20-07, *Guidance on conducting environmental reviews pursuant to 24 CFR Part 58 for activities undertaken in response to the public health emergency as a result of COVID-19*. Responsible Entities are encouraged to upload this Addendum to the project description screen in HEROS or attach it to the *Exempt/CENST format*.

Project Name:

Condition 1

Check the boxes below to confirm that the project will not alter environmental conditions. Documentation may consist of maps, reports, or written statements attached to the environmental review record.

Documenting Applicability of 58.34(a)(10)

- ☐ The project will not irreversibly affect significant elements of properties listed on or eligible for listing on the National Register of Historic Places.

Provide documentation confirming that either (a) the project does not involve any historic properties or (b) all work proposed in historic properties is limited to temporary interior improvements that are reversible after the health emergency is over.

- ☐ The project will not replace, reconstruct, or substantially improve structures within a special flood hazard area (SFHA) as determined by a current, preliminary, or pending Flood Insurance Rate Map (FIRM).

Provide documentation confirming that either (a) the project site is outside of the SFHA on any current, preliminary, or pending FEMA map or (b) the project does not involve replacing, reconstructing, or substantially improving any structures.

- ☐ The project site is not impacted by contamination or hazardous substances.

Provide documentation (e.g. a report from [NEPAssist](#)) confirming that there is no known risk of contaminants or hazardous substances at the project site.

Documenting Applicability of 58.34(a)(10)

- ☐ The project will not involve work that may affect threatened or endangered species or critical habitat.

Provide documentation confirming that either (a) there are no listed species or critical habitats in the action area, (b) the project does not involve any activities that could impact listed species or critical habitats.

- ☐ The project will not result in new construction in a wetland.

Provide documentation confirming that either (a) there are no known wetlands on the project site or (b) the project does not involve new construction as defined in 24 CFR 55.2(b).

- ☐ The project will not otherwise permanently alter environmental conditions.

Discuss any remaining environmental concerns, including a determination that the project will not result in permanent impacts, in the Project Description in HEROS or the Exempt/CENST format.

Documenting Applicability of 58.34(a)(10)

- A large old tree within a housing subdivision is mostly dead and in danger of falling on the road or on the sidewalk. The housing authority has scheduled the tree to be removed, as it is a threat to public safety.



Example environmental review

Project Name: Tree removal at Pin Oaks Subdivision

Project Location: Pin Oaks Subdivision: 47-49 Elk Lodge Dr., Elm City, CT 06544

Description of the Proposed Project [24 CFR 58.32; 40 CFR 1508.25]:

A large street tree (London planetree, *Platanus* × *acerifolia*) is to be removed from the property because it is a threat to public safety. The tree is approximately 80 years old with a diameter at breast height (DBH) of 35 inches. It is dying, drying, and decaying. It is infested by an ant colony near the base of the trunk, and most of the branches are dry and no longer producing leaves. Some branches are leaning ominously, and there is an imminent threat of the tree or parts of the tree falling on the road or on the sidewalk, especially on a windy day or during a storm event.

The project will not affect a historic property. All work is limited to landscaping/tree removal, so no structures will be affected. Furthermore, no archaeological sites are listed by the SHPO at this property. See 2021 SHPO response letter within the environmental review for rehab of the Pin Oaks Subdivision.

The project is not located within a special flood hazard area. See FEMA map.

The project site is not known to be impacted by contamination or hazardous substances. See NEPAssist report and site visit checklist.

Example environmental review

One endangered species occurs in the project area: northern long-eared bat. The local U.S. Fish and Wildlife Service Ecological Services office provided guidance that the tree should be removed between October 1 and March 31 to best avoid affecting roosting bats. See correspondence.

Level of Environmental Review Determination:

- ☒ Activity/Project is Exempt per 24 CFR 58.34(a): _(10) imminent threat _____
- ☐ Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b):

Funding Information

Grant Number	HUD Program	Funding Amount
	IHBG	\$3,000

Estimated Total HUD Funded Amount: \$3,000

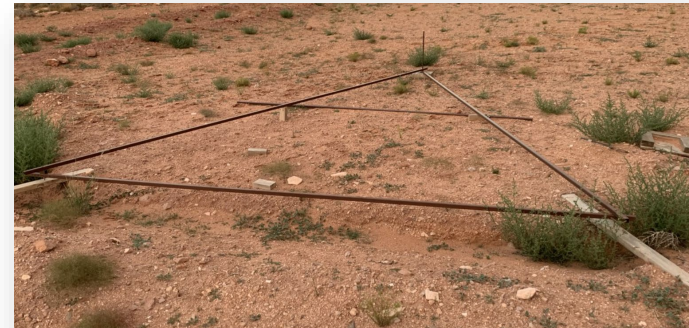


TRIBAL EMERGENCY REPAIR PROGRAMS

Handling environmental reviews for maintenance or rehab activities deemed “emergency repairs”

Emergency Repairs in Tribal Communities

- Certain types of assistance need to be addressed quickly
 - ✓ Septic tank overflows
 - ✓ Broken water main lines
 - ✓ Malfunctioning heating/cooling systems ahead of extreme weather events
- Environmental review requirements still apply!
 - ✓ Level of review depends on the scope of work



Ask the Audience

- What examples of emergency repairs have you encountered?
- What would you consider an emergency repair?

What type of environmental review do you use for emergencies?

- Depends on the scope of work
 - ✓ Exempt (58.34(a)) or non-physical CENSTs (58.35(b))
 - Exempt: Inspections/testing, public services
 - CENST: lodging assistance, purchase of air filters
 - ✓ Maintenance (CENST)(58.35(b)(3))
 - Replacing roof shingles on part of a leaking roof
 - Emptying a septic tank
 - ✓ Rehab (CEST)(58.35(a)(3))
 - Replacing a roof or furnace
 - ✓ Environmental assessment
 - Acquisition + renovation of a community building
 - Demolition + reconstruction of a community building

Frequently Asked Questions

- Can I do a blanket review for the TDHE's emergency repair program?
 - ✓ *Depends on how you define 'emergency repairs'*
 - ✓ *Depends on whether your community is in a floodplain or near an airport*
- Winter is coming, and we need the roof/windows replaced for that unit ASAP. Can we get the ER done sooner than 1-2 months? This project can't wait!
 - ✓ *You can plan ahead to save time before winter*
 - ✓ *Or you can try other solutions that would not trigger a CEST environmental review*

Creating 'blanket' reviews: by activity

- Activities that have no physical impact or that do not trigger any items on the 58.6 checklist can be grouped and cleared upfront
 - ✓ Inspections, tenant-based rental assistance, supporting services, equipment/supplies purchase, public services, in-home services (delivery of meals/medication) - exempt/CENST

Creating 'blanket' reviews: by activity

Project Name: Exempt and non-physical emergency activities

Description of the Proposed Project [24 CFR 58.32; 40 CFR 1508.25]:

This review covers the exempt and non-physical emergency activities that may be undertaken by the ~~~ Tribal Housing Authority over the next five years (FY 2023-2024).

Such activities could include public services (such as provision of emergency kits and assisting food banks), housing inspections following a disaster, supportive services (such as short-term lodging, and utilities), sanitation services, job training on disaster response to increase the pool of available workers qualified to respond to specific disasters, and hiring of temporary staff to meet increased demands during disaster response periods. It also covers the purchase of supplies for the community or to continue program/office operations (such as telework equipment, air filters, and UV sanitizers).

Level of Environmental Review Determination:

☒ Activity/Project is Exempt per 24 CFR 58.34(a): _(3), (4), (5), and (9)_____

☒ Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b):
_____(1), (2), and (3)_____

Creating 'blanket' reviews: by activity and location

Maintenance activities that take place in a community that is NOT near an airport and that has no housing in a special flood hazard area can be cleared in a blanket review.

See 2016 HUD guidance on maintenance (versus rehab) activities.

Building Exterior	<ul style="list-style-type: none">• cleaning and fixing gutters and downspouts• repainting previously painted surfaces (including limited wet scraping and low-pressure washing)• replacing deteriorated section of siding• removal of graffiti
Roof	<ul style="list-style-type: none">• fixing leaks• application of waterproof coating to a flat roof• replacement of deteriorated flashing• in-kind replacement of loose or missing shingles or tiles
Windows and Doors	<ul style="list-style-type: none">• washing windows• caulking, weather stripping, re-glazing windows and doors• fixing broken windowpane(s), storm window(s) or damaged entry door• replacing broken door lock• replacing a vandalized entry door to restore security of a building or unit• replacing a single severely damaged window to match• annual switch out of storm and screen panels

Creating 'blanket' reviews: by activity and location

Project Name: Emergency maintenance activities of homeowner-occupied homes in Sentinel

Project Location: Sentinel, Oklahoma

Description of the Proposed Project [24 CFR 58.32; 40 CFR 1508.25]:

This review covers the maintenance activities that may be undertaken by the ~~~ Tribal Housing Authority over the next five years (FY 2023-2024) in the town of Sentinel, Oklahoma.

Such activities could include any maintenance activity listed in HUD's notice on "Guidance for Categorizing an Activity as Maintenance for Compliance with HUD Environmental Regulations, 24 CFR Parts 50 and 58", and they will not include any activity listed in that same notice as rehabilitation.

Level of Environmental Review Determination:

☐ Activity/Project is Exempt per 24 CFR 58.34(a): _____

☒ Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b): _____

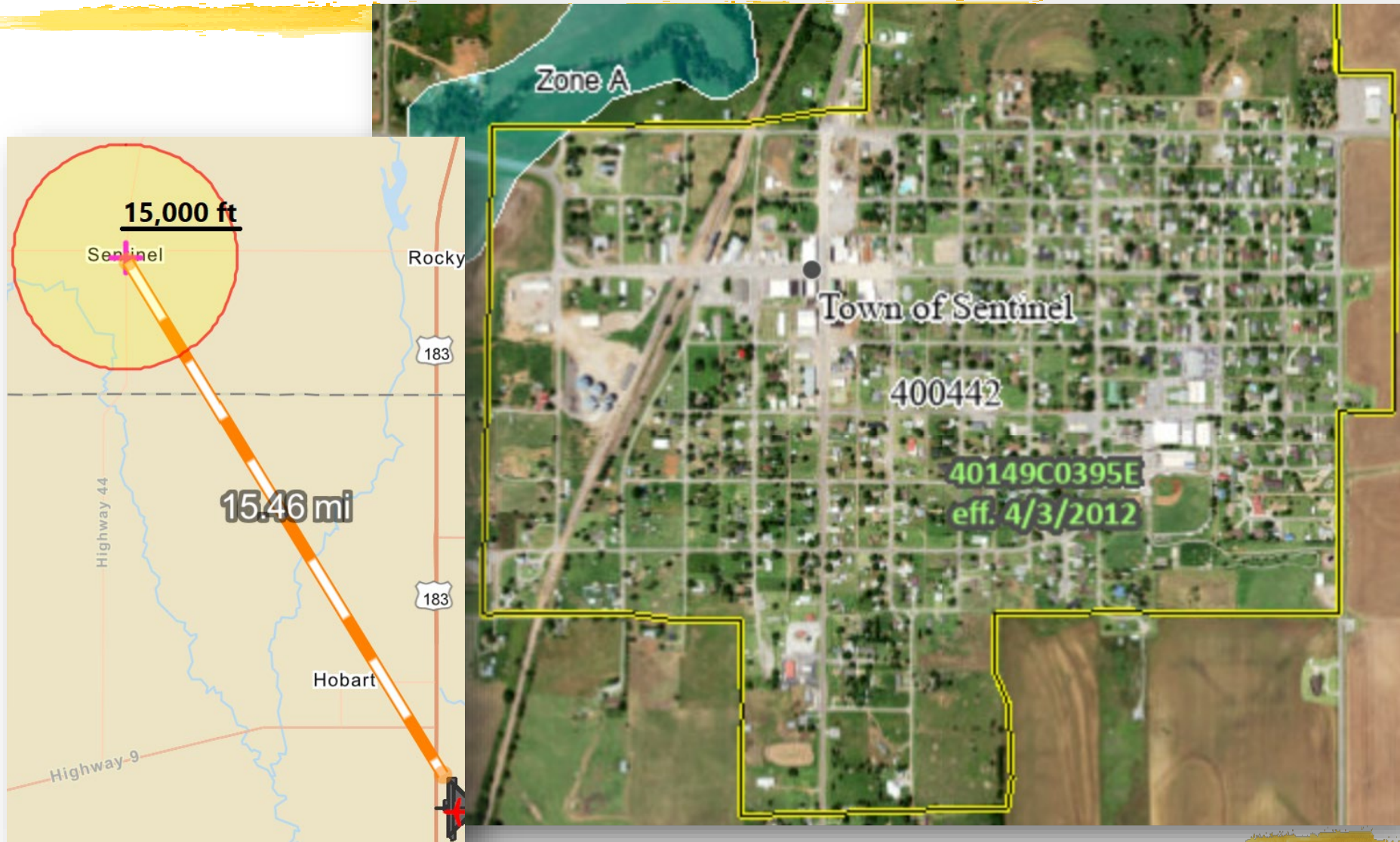
(3)___Maintenance_____

Creating 'blanket' reviews: by activity and location

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6

Airport Runway Clear Zones and Accident Potential Zones 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The town of Sentinel is not within 2,500 feet of a civilian airport or 15,000 feet of a military airport. See map.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Oklahoma is a landlocked state with no coasts. Therefore, this project does not involve coastal barrier resource units, and it is in compliance with this section.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	No homes in Sentinel, OK, are located in a 100-year flood plain. See FEMA map panel #40149C0395E, effective 4/3/2012. Therefore, this project is in compliance with this section.

Creating 'blanket' reviews: by activity and location



Planning Ahead for Emergency Repairs

- Housing stock: Make sure environmental reviews for rehab are in place for all of your units
 - ✓ When a repair on a rental unit is needed for an emergency, a new environmental review wouldn't be needed
- Homeowner units: Set up tiered environmental reviews for the community
 - ✓ Tier 1 review: Complete most of the compliance steps and the public comment/HUD approval process
 - ✓ Tier 2 review: Complete site-specific compliance items when there is a unit needing assistance

Tiered environmental reviews

Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR Part 58.35(a)

Project Name: Elder homeowner rehab, 2023–2027

Project Location: Oklahoma County, Oklahoma

Additional Location Information: The THA's service area extends throughout Oklahoma County.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The Tribal Housing Authority (THA) is planning to run an elder housing rehab program to assist low-income elder homeowners with major housing repairs. The type of rehab work is anticipated to include (but not be limited to) roof replacement, new windows, new siding, new sheetrock, replacing HVAC systems, and increasing handicap accessibility. Minimal ground disturbance is possible with the installation of ramps. Applications will be accepted throughout the year on a rolling basis.

Tiered environmental reviews

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Was compliance achieved at the broad level of review?	If Yes: Describe compliance determinations made at the broad level. If No: Describe the policy, standard, or process to be followed in the site-specific review.
<div>ST & Air 24</div> Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Each unit will be checked for its distance away from common noise generators via <u>NEPAssist</u> . If the project is within 1,000 feet of a major road, 3,000 feet of a railroad, or 15 miles of an airport, then further research will be conducted, and a noise analysis (DNL calculation using HUD's DNL calculator may be necessary. Oklahoma Department of Transportation data will be used for the traffic counts and train counts.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	Oklahoma County has no sole source aquifers. See EPA's map of sole source aquifers.

Tiered environmental reviews

- Tiered CEST reviews cannot convert to 'exempt'

Determination:

- ☐ Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR
- ☒ There are no extraordinary circumstances which would require completion of an EA, and this project may remain CEST.

- Public notice and HUD approval required

NOTICE OF INTENT TO REQUEST RELEASE OF INFORMATION FOR TIERED PROJECTS AND PROGRAMS

Date of Publication: *[date published]*

Name of Tribe

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

Location: *Give the general idea of the location and state specific addresses for site specific reviews.*

Project/Program Description: *Describe what the project/program does, why it is needed, and how. Tier 2 site specific reviews will be completed for those laws and regulations not addressed in the tier 1 broad review for each address under this program that become known.*

Level of Environmental Review Citation: *Give the specific categorical exclusion under which the program falls. For example, for a Rehabilitation Program of home ownership, state: "24 CFR Part 58.5(a)(3)(i)"*

Tier 2 Site Specific Review: *The site specific reviews will cover the following laws and regulations not addressed in the Tier 1 broad review: List the laws and regulations not addressed in the tier 1 broad review and will be addressed in the tier 2 site specific reviews.*

Tier 2s

- Tier 2 environmental reviews must still be fully completed before work can be carried out for any particular unit.

Tier 2 or Site-specific Review for Elder Rehab Program

Address:
Year built:

Proposed scope of work:

Field inspection (date and completed by):

Compliance with Remaining 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6	Compliance Determination
Airport Hazards 24 CFR Part 51 Subpart D	
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)]	
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	
Environmental Justice Executive Order 12898	

Signature: _____ Date: _____

Name (Title/Organization): _____

Planning Ahead for Emergency Repairs

- Historic preservation: Enter into programmatic agreements with the state/tribal historic preservation officer (SHPO/THPO)
 - ✓ Certain types of rehab activities may not need to undergo Section 106 SHPO/THPO review if they are covered under a programmatic agreement
- Endangered species: Discuss upfront with U.S. Fish and Wildlife Service (and the National Marine Fisheries Service if applicable) about clearing certain types of rehab activities
- Contamination: Test units upfront for lead-based paint, asbestos, radon, etc.

Bypassing ER Requirements

- If an emergency situation needs to be addressed ASAP, then address it in ways that would not trigger a CEST environmental review
 - ✓ Provide temporary lodging assistance (CENST) until the CEST review for rehab is completed
 - ✓ Use non-federal funds to perform the work - *do not reimburse with HUD funds afterwards!*

Use common sense and prioritize public safety.

Knowledge Check

- A community building has toxic mold problems. The building's occupants (employees and members of the public) are concerned for their health. What steps can be taken to protect public health without a CEST review or EA (assuming HUD funding is used)?
 - ✓ A) Remediation: Replacing sheetrock and all areas affected by mold
 - ✓ B) Demolition and reconstruction of the building
 - ✓ C) Purchase high-quality air filters
 - ✓ D) Rent another building and temporarily relocate the community services and employees
 - ✓ E) C and D

Questions? Contact HUD

<https://www.hud.gov/codetalk>

[https://www.hudexchange.info/
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