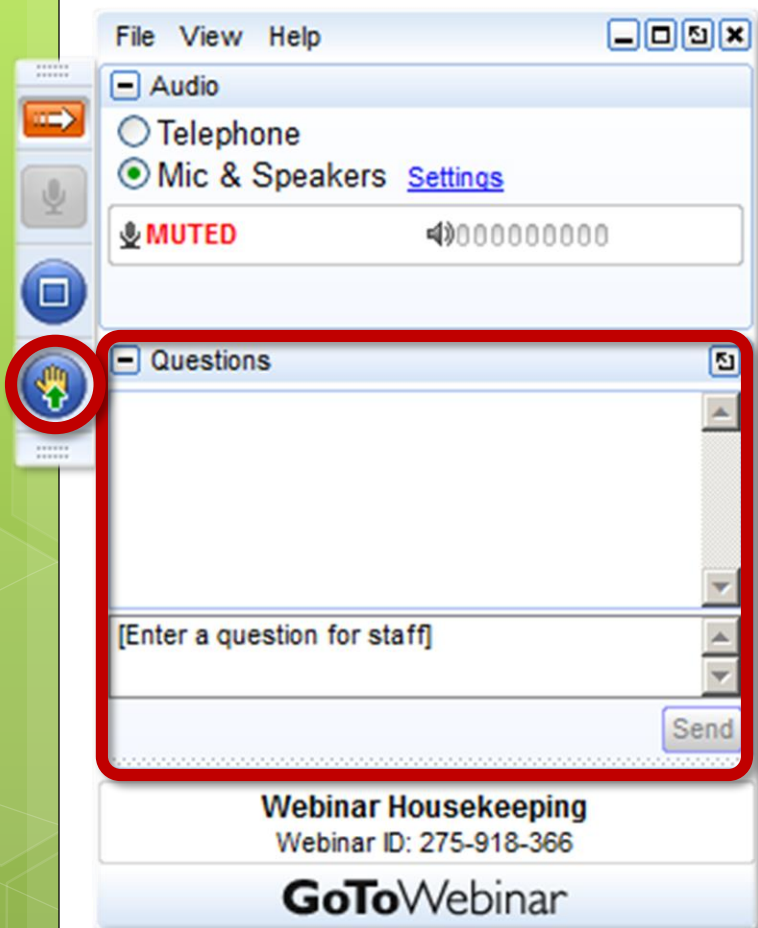


# Section 811 Project Rental Assistance Program Environmental Tenets

September 10, 2015

# Reminders



## Your Participation

- Please join audio by using the information provided in the Audio Panel. Your audio pin is required and may be entered on your phone's keypad at any time by pressing # **[pin number]** #
- Please raise your hand to be unmuted for verbal questions.
- You may also submit your text questions and comments using the Questions Panel.

# Introductions/Contacts

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# Today's Agenda

- The Basics
- Clarifications
- Documentation
- Review Tenets
- Resources
- Questions?

# The Basics

- HUD has created requirements for environmental reviews to ensure that the tenets of HUD's environmental policy and the requirements of applicable statutes and authorities are met
- HUD will not perform environmental reviews on proposed projects
- Grantees are required to conduct the environmental reviews, as discussed in the NOFA

# Clarifications

- Existing v. New
  - Existing means everything else
    - Existing properties that are currently HUD-assisted or HUD-insured and that will not engage in activities with physical impacts or changes beyond routine maintenance activities or minimal repairs are not required to comply with the environmental tenets.

## Clarifications (cont.)

- If, at the time that a project is selected for PRA assistance, the project is under construction or being rehabilitated, the project shall be subject to the environmental review requirements applicable to new construction or rehab if the work has not progressed beyond a stage of construction where modifications can be undertaken to avoid the adverse environmental impacts addressed by the requirement.

# Excluded From Review

HUD Assisted properties that are not engaging in activities with physical impacts

HUD Assisted includes:

- FHA-mortgage insurance
- Federal mortgage interest subsidy
- Project based rental assistance such as PRAC
- HOME, CDBG, NSP
- Other HUD funding including HUD funds allocated through state and local jurisdictions



# Clarifications

- These reviews are not under Part 58, nor Part 50 – look to the NOFA and PRA Guidelines
- Timing
  - Completion of review prior to signing the Rental Assistance Contract
- Signatures & Monitoring
- Utilizing existing environmental reviews

# Documentation

- HUD has lots of guidance, forms and formats
  - The NOFA and PRA Guidelines tell you what requirements apply and when they apply; the HUD resources can help you figure out how to satisfy the requirements
- Documentation
  - Clear explanations and references
  - Ways to document:
    - HUD has various forms and formats that may be useful, but do not follow the PRA tenets
    - Could explain the review of and conclusions for each Environmental Review Tenet in a cover page, with supporting documentation attached
    - Sample format

# #1: Site Contamination

- **Applies to New Construction and Existing Properties**
- Two Options
  - Condition assessment option
  - Phase I Option

# Conditions Assessment

- Assess whether the site
  - (i) is listed on an EPA Superfund National Priorities or CERCLA list or equivalent State list;
  - (ii) is located within 3,000 feet of a toxic or solid waste landfill site;
  - (iii) has an underground storage tank other than a residential fuel tank; or
  - (iv) is known or suspected to be contaminated by toxic chemicals or radioactive materials

## Conditions Assessment(cont.)

- If none of these conditions exist, a letter of finding certifying these findings must be submitted and maintained in the site's environmental record.
- If any of these conditions exist, the grantee must provide an ASTM Phase I Environmental Site Assessment (ESA) in accordance with ASTM E 1527-13 (or the most recent edition);

# Phase I

- Phase I ESAs must be performed according to the requirements of ASTM E1527-13
  - ASTM E1527-13 available for purchase:  
<http://www.astm.org/Standards/E1527.htm>
  - Must include a Vapor Encroachment Screen in accordance with ASTM E2600-10. Available for purchase: <http://www.astm.org/Standards/E2600.htm>
  - Must make definitive conclusions as to whether there are RECs and VECs

# Phase I (Cont.)

- Existing Phase I ESA that was prepared within the Phase I ESA continuing viability timeframe for the acquisition or other real estate transaction (construction, rehabilitation, or refinancing) for the property and complies with ASTM E1527-05 or a more recent edition is acceptable

# Phase I (cont.)

- Phase II ESA must be conducted in accordance with ASTM E1903-11
  - Must be conducted if Phase I identifies RECs
  - Age: same as Phase I (see Section 4.2.4)
  - Available for purchase:  
<http://www.astm.org/Standards/E1903.htm>
- Clean-up: Must occur in accordance with State policy. RBCAs are only permitted if allowed under a State's policy.
- **Resources**
  - <https://www.hudexchange.info/programs/environmental-review/site-contamination>



## #2: Historic Preservation

- **Applies to New Construction and Existing Properties**
  - Potential for impact depends on the activity
- Follow your State, Territory, Tribe or Municipality laws and requirements on historic preservation
  - This includes onsite discoveries
- Any properties listed on, or eligible for, the National Register of Historic Places must comply with “The Secretary of the Interior’s Standards for Rehabilitation”
  - Available at:  
[http://www.nps.gov/hps/tps/standguide/rehab/rehab\\_standards.htm](http://www.nps.gov/hps/tps/standguide/rehab/rehab_standards.htm)
- **Resources**
  - <https://www.hudexchange.info/programs/environmental-review/historic-preservation>

## #3: Noise

- **Applies to New Construction**
- Interior noise must be attenuated to 45 dB
  - If noise is above 65 dB, attenuation will be needed
- Sites above 75 dB cannot have outdoor noise sensitive uses
- **Resources**
  - <https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control>
  - Includes guidance on conducting noise studies

## #4: Airport Clear Zones

- **Applies to New Construction and Existing**
- No activities or projects shall be permitted within the “clear zones” or the “accident potential zones” of military airfields or the “runway protection zones” of civilian airports.
- Example: <http://miamigardens-fl.gov/gis/Maps/Pdf%20Maps/Opa%20Locka%20Airport%20Clear%20Zone.pdf>
- **Resources**
  - <https://www.hudexchange.info/programs/environmental-review/airport-hazards>

# #5: Coastal Zone Management

- **Applies to New Construction and Existing**
- Activities and projects shall be consistent with the appropriate state coastal zone management plan
  - State agency will make that determination
- Plans are available from the local coastal zone management agency.
- **Resources**
  - <https://www.hudexchange.info/programs/environmental-review/coastal-zone-management>

## #6: Floodplains

- **Applies to New Construction and Existing**, but requirements differ
- **New Construction:**
  - Not allowed in the 500 year floodplain, 100 year floodplain, floodway
  - According to the best available FEMA data
    - ABFE
    - P-FIRM
    - FIRM

# Floodplains (cont.)

- Existing:
  - Not allowed in coastal high hazard areas (V Zones) or regulatory floodways
  - Allowed in 500 and 100 year floodplains, but must meet the following requirements:
    - The existing structures must be flood-proofed or must have the lowest habitable floor and utilities elevated above the 500-year floodplain.
    - The project must have an early warning system and evacuation plan that includes evacuation routing to areas outside of the applicable floodplain.

# Floodplains (cont.)

- Project structures in the 100-year floodplain must obtain flood insurance under the National Flood Insurance Program
- No activities or projects located within the 100-year floodplain may be assisted in a community that is not participating in or has been suspended from the National Flood Insurance Program.
- **Resources**
  - <https://www.hudexchange.info/programs/environmental-review/floodplain-management>

## #7: Wetlands

- **Applies to New Construction and Existing**, but requirements differ
- New Construction: Not allowed in wetlands
  - draining, dredging, channelizing, filling, diking, impounding, and related grading activities
- Rehabilitation: No rehabilitation that will expand the footprint into wetlands



## #7: Wetlands (cont.)

- Definition of Wetlands: U.S. Fish and Wildlife Service in Classification of Wetlands and Deep Water Habitats of the United States (Cowardin, et al., 1977).
  - Saturation with water
  - Hydric soils, plants and animals
  - <http://www.fws.gov/wetlands/Documents/Classification-of-Wetlands-and-Deepwater-Habitats-of-the-United-States.pdf>
- **Resources**
  - <https://www.hudexchange.info/programs/environmental-review/wetlands-protection>

## #8: Explosive/Flammable Hazards

- **Applies to New Construction**
- Must be protected from blasts and thermal radiation from facilities that store, handle, or process substances of explosive or fire prone nature in stationary, above ground tanks/containers

# #8: Explosive/Flammable Hazards (cont.)

- Unshielded buildings and outdoor facilities:
  - Blast overpressure standard: 0.5psi
  - Thermal radiation:
    - People: 450 BTU/ft<sup>2</sup> -hr
    - Buildings and outdoor facilities: 10,000 BTU/ft<sup>2</sup> - hr
- If the building or outdoor facility does not meet the unshielded standards, there must be shielding
- **Resources**
  - <https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities>

# #9: Endangered Species

- **Applies to New Construction**
- Project is not permitted if will result in a taking of endangered plant or animal species as listed under the Endangered Species Act of 1973.
- Taking includes not only direct harm and killing but also modification of habitat.
- Maps for listed species and geographic habitat by state can be found at:  
[http://ecos.fws.gov/tess\\_public/StateListing.do?state=all](http://ecos.fws.gov/tess_public/StateListing.do?state=all)
- **Resources**
  - <https://www.hudexchange.info/programs/environmental-review/endangered-species>

# #10: Farmland Protection

- **Applies to New Construction**

- Cannot result in the conversion of unique, prime, or otherwise productive agricultural properties to urban uses.

- Your state Natural Resource Conservation Service contact for the Farmland Protection Act will be able to tell you if land is farmland:

[http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1048810.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1048810.pdf)

- **Resources**

- <https://www.hudexchange.info/programs/environmental-review/farmlands-protection>

# # 11: Sole Source Aquifers

- **Applies to New Construction**
- Projects located in Federally designated sole source aquifer areas (SSAs) require consultation and review with the U.S. Environmental Protection Agency (USEPA).
- Location and geographic coverage of the 73 federally designated SSAs:  
<http://water.epa.gov/infrastructure/drinkingwater/sourcewater/protection/solesourceaquifer.cfm>
- **Resources**
  - <https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers>

# Coastal Barrier Resources

- **Applies to New Construction and Existing**
- No activities or projects shall be permitted in Coastal Barrier Resource System (CBRS) units.
- CBRS units are mapped and available from the Fish and Wildlife Service at:  
<http://www.fws.gov/CBRA/>.
- **Resources**
  - <https://www.hudexchange.info/programs/environmental-review/coastal-barrier-resources>

# HUD Resources

- HUD Environmental Review website
  - Sample documents, step-by-step guidance
  - <https://www.hudexchange.info/environmental-review/federal-related-laws-and-authorities>
- HUD Form 4128
  - <http://portal.hud.gov/hudportal/documents/huddoc?id=4128-OHF.pdf>
- HUD Part 58 sample formats
  - <https://www.hudexchange.info/programs/environmental-review/>
- HUD Environmental Staff
  - <https://www.hudexchange.info/environmental-review/hud-environmental-staff-contacts/>



Questions?

# Environmental Focus Group

- HUD plans to establish a Focus Group to allow for informal discussion of environmental issues among states
- Focus group will help HUD identify FAQs
- If you are interested in receiving e-mails about this Focus Group, please e-mail [MPabon@tacinc.org](mailto:MPabon@tacinc.org)