

Item 13



Travis County Commissioners Court Agenda Request

Meeting Date: April 30, 2013

Prepared By/Phone Number: Christy Moffett, LMSW 854-3460

Elected/Appointed Official/Dept. Head:

Sherri E. Fleming, County Executive of Travis County Health and Human Services & Veterans Service

Commissioners Court Sponsor: Judge Samuel T. Biscoe

AGENDA LANGUAGE:

Consider and take appropriate action on items related to a request to delegate signature authority to the Travis County Health and Human Services and Veterans Service County Executive to sign Tier 2 environmental clearances for the HUD-funded Travis County Community Development Block Grant Owner Occupied Home Rehabilitation Program, as long as neither a full environmental site assessment nor any mitigation measures are required.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

Every CDBG project must go through the appropriate level of environmental review as required by HUD. The level of environmental review is attributed to the nature of each project and its potential impact on the environment.

Responsible Entities (RE) that receive assistance directly from HUD must assume responsibility for the environmental reviews, decision-making and actions that would otherwise apply to HUD under the National Environmental Policy Act (NEPA) and other provisions of NEPA, as specified in 24 CFR §58.5 and §58.6. REs assume this responsibility through the execution of a grant agreement with HUD and/or a legally binding document such as the certification contained on form HUD-7015.15, Request for Release of Funds (RROF), which certifies the RE's assumption of environmental responsibilities.

The Travis County CDBG Owner Occupied Home Rehabilitation program's purpose is to improve the quality of housing stock in the CDBG service area for low to moderate income owner-occupied houses. This program will fund minor home repair services for low and moderate income

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

homeowners in the unincorporated areas of Travis County and the Village of Webberville, to move houses toward Housing Quality Standards. The program seeks to improve the energy efficiency, physical living conditions, and safety in owner-occupied homes. A 0% interest, forgivable 5-year loan up to \$24,999 per house, with no required annual or monthly payments, is available. The deferred loan is forgiven at a pro-rata rate of 20% for each year of home ownership. Examples of potential improvements include, but are not limited to: foundation repair, roofing, flooring, electrical, plumbing, accessibility modifications, connection of houses to long-term viable sources of water (not part of a stand-alone infrastructure project), weatherization, noise attenuation, septic tank repairs and installation, and related engineering or design for improvements.

These funds are targeted toward homeowners at or below 80% MFI in the CDBG service area. This project is administered by Meals on Wheels and More, Inc., a nonprofit, designated as a subrecipient. Additionally, some of the allocation will partially fund a CDBG Planner position to complete environmental reviews and related paperwork, final inspections, and sign off, and any other necessary project delivery related costs.

The appropriate level of environmental review for this program is Categorically Excluded Activity Subject to 24 CFR §58.5, which means that the activity is categorically excluded from NEPA requirements, however, the grantee must nevertheless demonstrate compliance with the laws, authorities, and Executive Orders listed in 24 CFR §58.5.

The Travis County CDBG Owner Occupied Home Rehabilitation falls under this category of environmental review because the following conditions are met:

- Only residential properties with one to four units will be rehabilitated,
- The density is not increased beyond four units,
- The land use is not changed, and
- If the building is located in a floodplain or in a wetland, the footprint of the building is not increased.

The CDBG Office chose to tier its environmental review for the home rehabilitation program. According to 24 CFR Part 58, a responsible entity may tier its environmental review and assessments to eliminate the repetitive discussions of the same issues at subsequent levels of review. Due to the nature of this program, in addition to a Tier One review that is

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

applicable to all the properties in general, each of the properties will require an additional site-specific review based on their location within the CDBG service area. Tiering is appropriate when there is a requirement to evaluate a policy or proposal early in the stages of development or when site specific analysis of mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date. Site specific analysis will contain reviews pertaining to Historic Properties, Floodplain Management, Noise Control and Abatement, Explosive and Flammable Operations, Airport Hazards, and Contamination and Toxic Substances.

On December 18, 2012, the Travis County Commissioners Court received the report and approved postings to notify the public of same. On December 19, legal notices were posted as required to notify the public of the County's 10-day comment period regarding the result of the Tier One Travis County Owner Occupied Home Rehabilitation Program's environmental review and HUD's 15-day comment period to allow the release of funds. The Travis County Commissioner's approved the request for release of funds on January 9, 2013, and HUD sent approval for release of funds in February. This allowed the County to execute the subrecipient contract with Meals on Wheels and More, Inc. in March 2013.

CDBG staff are ready to finalize the Tier 2 paperwork for some of the homes to begin repairs. After completion of required forms, a signature must be acquired from the authorized Responsible Entity. Traditionally, the CDBG Program places an item on the Commissioners Court agenda for consideration of all environmental documents and for the County Judge's signature.

For this project, it is possible that upwards of 41 homes will be repaired using these funds over the next twelve months which translates to 41 agenda items. Additionally, each home will have a different time frame for construction to start. Therefore, in the interest of time and efficiency in handling these transactions, the CDBG Office found that the Certifying Officer is allowed to delegate signature authority as per the excerpt below from HUD's Region VI Environmental Office Compliance Book (May 2012, page 3).

Certifying Officer

- *The Certifying Officer represents the Responsible Entity (RE), and serves as the "responsible Federal official," who has the legal*

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

capacity to carry out the responsibilities of §58.13, and is authorized to certify Request for Release Of Funds (RROF) and represent the RE in federal court.

- The Certifying Officer for a State is the Governor. The Certifying Officer for a city is the Mayor or City Manager. The Certifying Officer for a county (or equivalent) is the highest elected official.*
- A formal written delegation is required to transfer Certifying Officer responsibility from Governor, Mayor, City Manager, or elected county judge to another individual. This written documentation must be included as part of the Environmental Review Record.*
- The Certifying Officer ensures all project mitigation and conditions are included in awards, contracts and other agreements pertaining to the project.*
- Although the Certifying Officer must sign the RROF, s/he does NOT need to approve or sign environmental review forms. A manager within the RE's agency may be authorized to approve and sign environmental review forms on the RE's behalf.*

For the project, the County Judge, aka the Certifying Officer, signed the RROF in January and staff submitted it to HUD. The Tier 2 forms are considered environmental review forms (see Sample attached). The Commissioners Court may delegate that authority to a manager within the Responsible Entity's agency to sign these forms.

STAFF RECOMMENDATIONS:

Staff recommends the approval of the delegation of signature authority to the Travis County HHS/VS County Executive for the Tier 2 environmental clearance for the Travis County's CDBG Owner Occupied Home Rehabilitation Project, as HUD deems this an allowable practice.

ISSUES AND OPPORTUNITIES:

Allowing the signature authority to be delegated to the TCHHS/VS County Executive for the second tier of environmental reviews allows the program to move quickly and ensures that environmental clearance does not delay construction starts. Additionally, it reduces the burden to the Court's

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

agenda and protects the privacy of homeowners.

The Travis County Commissioners Court approved a similar practice in August 2012 for the CDBG Homebuyer Assistance Program.

FISCAL IMPACT AND SOURCE OF FUNDING:

None.

REQUIRED AUTHORIZATIONS:

County Attorney

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

Appendix A Site Specific Determination Strategy

Travis County has chosen to tier its environmental review its housing rehabilitation programs. According to 24 CFR Part 58, a responsible entity may tier its environmental review and assessments to eliminate the repetitive discussions of the same issues at subsequent levels of review. Due to the nature of this program, specific sites will require additional review based on their location within the unincorporated areas of the county. Tiering is appropriate in this case when there is a requirement to evaluate a policy or proposal early in the stages of development or when site specific analysis of mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date.

The following section will discuss in detail how each site (once chosen) will comply with laws outlined by HUD and required under 24 CFR 58.5 for home rehabilitation and related improvement activities.

Historic Preservation

According to Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. 470 et seq.), Federal agencies are required to assess the effects of their undertakings on historic sites. This action affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on the project's impact. In the event that sites fall under this law, Travis County staff will adhere to the following guidelines.

1. At each site, Travis County will determine whether the project could affect historic properties by taking pictures and completing the worksheet (Appendix A, Attachment 1) and appropriate supporting documentation. According to Section 106, historic properties as they pertain to federal undertakings include any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places.

- 2a. In the case that a home rehabilitation has the potential to affect a historic property, Travis County must consult with the State Historic Preservation Officer (SHPO) with the Texas Historical Commission to request a formal determination of eligibility for the National Register of Historic Places from the Texas Historical Commission. The request will include a photographic survey of the property and surrounding neighborhood, a county map with the property's geographic location, and a description of the type of work that is being considered. If the Texas Historical Commission agrees with the determination of the property as historic, it will develop a memorandum of agreement to assess possible adverse effects on the historic property based on the Secretary of the Interior's standards for rehabilitation. The memorandum of agreement outlines agreed-upon measures that the County will take to ensure the avoidance, mitigation and/or minimization of the adverse effects on historic properties.

- 2b. In the event that Travis County determines that no historic properties are present or potentially affected, it shall provide documentation to the Texas Historical Commission which grants a thirty day time-period for any objection to be raised. If the Texas Historical Commission has no objection, Travis County will proceed without any further Section 106 obligations.

Floodplain Management

Executive Order 11988, "Floodplain Management," requires Federal agencies to avoid actions, to the extent practicable that will result in the location of facilities in floodplains and/or affect floodplain values. HUD regulations for protecting floodplains (*24 CFR Part 55 Floodplain Management*) restrict financial support for projects located within the designated 100-year floodplain, unless it can be demonstrated that there are no practicable alternatives outside of the floodplain. No practical alternatives means that the agency cannot; (a) avoid to the extent possible long and short term adverse impacts associated with the occupancy and modification of floodplains, and (b) avoid direct development within or modification of floodplains, wherever there is a practical alternative.

For each specific property, documentation will be provided to including a map of the FEMA panel and site location and provide a determination of whether or not the site is located in a 100 year flood plain. If so, the site will be denied assistance for the project due to project specific guidelines that restrict the repairs to houses in the flood plain. While the County may go through a lengthy process to allow for repairs in the flood plain including requiring flood insurance, the Program has decided to not to do so.

Noise

Activities may be located in areas with a day-night average sound level with cannot exceed 65 decibels or an unacceptable noise level. Staff will complete the Appendix A, Attachment 1 and required documentation.

Sites that appear to exceed the acceptable noise levels will be required under HUD regulations to consider noise attenuation measures. For a project where all activities are located in noise exposed areas, noise attenuation features will be encourages to be conducted through alterations such as insulation, double pane windows instead of single pane window, weather-stripping on doors, removing mail slots, or replacing a solid wood door with an insulated steel door.

Construction activities must conform to International Residential Code, energy conservation measures, safety measures and acceptable building practices.

Airport/ Runway Clear Zones

Determination of whether the activity is located at the end of a runway must occur. HUD does not fund new construction in a Clear Zone. However, due to the nature of this home rehabilitation project, no new construction will be created.

Toxic Chemicals and Radioactive Material

All properties where activities will occur must be free of hazardous materials, contamination, toxic chemicals, and gasses and radioactive substances according to HUD guidelines, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.

Travis County staff will make a determination if the property is free of hazardous materials, contamination, toxic chemicals and gases and radioactive substances at the time that the property is inspected, and complete Attachment 1.

Explosive and Flammable Operations

All properties where activities occur will be at an Acceptable Separation Distance from industrial facilities handling explosive or fire-prone materials, planned or stationary above ground storage tanks of more than 100 gallon capacity containing common industrial fuel or of any capacity containing hazardous liquids or gases that are not liquid industrial fuels.

Travis County staff will identify if any such facilities or tanks are within proximity, complete the Site Specific Checklist and make a determination if the property is at an Acceptable Separation Distance.

Site Specific Environmental Determination Worksheet
Travis County Owner Occupied Home Rehabilitation Worksheet

Address: _____

1. §58.5(a) Historical Properties [36 CFR Part 800]

Historic Properties

- a. Does the project include the type of activity that would have the potential to affect historic properties such as acquisition, demolition, disposition, ground disturbance, new construction or rehabilitation?
 Yes No

If Yes, continue.

If No, the project is not the type of activity that has the potential to affect historic properties. Compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- b. Do the RE and State Historic Preservation Office (SHPO) have a Programmatic Agreement (PA) that does not require consultation for this type of activity?
 Yes No

If Yes, document compliance with the PA. Compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

If No, continue.

- c. Is the project located within or directly adjacent to a historic district?
 Yes No

- d. Is the structure or surrounding structures listed on or eligible for listing on the National Register of Historic Places (e.g. greater than 45 years old)?
Yes No

- e. Were any properties of historical, architectural, religious or cultural significance identified in the project's Area of Potential Effect (APE)?
Yes No

If Yes any of the questions above, continue.

If No to all of the questions above, the project will not affect historic properties. A concurrence from the SHPO that "no historic properties will be affected" is required. Compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- f. Have you consulted with the SHPO to determine whether the project will have “No Adverse Effect on Historic Properties?”

Yes No

If Yes, continue.

If No, consultation with the SHPO is required.

- g. Does the SHPO concurrence letter received for this project require mitigation or have conditions?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- h. Have the SHPO and RE agreed on required mitigation or conditions?

Yes No

If Yes, include mitigation requirements and/or conditions from the SHPO in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If No, continue with consultation until resolved.

Historic properties of religious and cultural significance to tribes and Native Hawaiian organizations

- i. Does the project include the types of activities such as those listed below that have the potential to affect historic properties of religious and cultural significance to tribes?

- Ground disturbance (digging);
- New construction in undeveloped natural areas
- Incongruent visual changes – impairment of the vista or viewshed from an observation point in the natural landscape;
- Incongruent audible changes – increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience;
- Incongruent atmospheric changes – introduction of lights that create skyglow in an area with a dark night sky;
- Work on a building with significant tribal association;
- Transfer, lease or sale of a historic property of religious and cultural significance.

Yes No

If Yes, continue.

If No, tribal consultation is not required.

- j. Does HUD's Tribal Directory Assessment Tool indicate that tribes have an interest in the location where the project is sited?
(http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/tribal)

Yes No

If Yes, contact federally recognized tribe(s) and invite consultation. Continue.

If No, document the result in the ERR. Tribal consultation is not required.

- k. Did the tribe(s) respond that they want to be a consulting party?

Yes No

If Yes, continue.

If No, (no response within 30 days or responded that they do not wish to consult), document response or lack of response in ERR. Further consultation is not required.

- l. After consulting with the tribe(s) and discussing the project, were any properties of religious or cultural significance to the tribe(s) identified in the project's APE?

Yes No

If Yes, continue.

If No, notify tribe(s) and other consulting parties of your finding of "No Historic Properties Affected." Tribe(s) has 30 days to object to a finding.

- m. After consulting with the tribe(s), will the project have an adverse effect on properties of religious or cultural significance to the tribe(s)?

Yes No

If Yes, consult with tribe(s) and other consulting parties to resolve adverse effects, including considering alternatives and mitigation measures that would avoid or minimize adverse effects.

If No, notify tribe(s) and other consulting parties of your finding of "No Adverse Effects." Tribe(s) has 30 days to object to a finding.

- n. Were any objections to a finding received from a consulting tribe?

Yes No

If Yes, continue with consultation until resolved.
If No, consultation is complete.

Comments:

Cite and attach source documentation: (Correspondence with SHPO/THPO. How determination of “no potential to cause effects” to historic properties was made.)

Information Resources:

National Register of Historic Places:

<http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome>

National Conference of State Historic Preservation Officers:

<http://ncshpo.org/>

Map of Currently Recognized THPO's:

<http://www.nathpo.org/map.html>

HUD Tribal Directory Assessment Tool (TDAT):

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/tribal

Section 106 Agreements Database:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/section106

2. §58.5(b) (1) Floodplain Management [24 CFR Part 55]

- a. Does the project include minor repairs or improvements on up to four dwelling units that do not meet the thresholds for “substantial improvement” under §55.2(b)(8)?

Yes No

If Yes, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

If No, continue.

- b. Is the project located within (or have an impact on) a 100 year floodplain (Zones A or V) identified by FEMA maps?

Yes No

- c. Does the project involve a “critical action,” per §55.2(b)(2)(i), located within a 500 year floodplain (Zone B) identified by FEMA maps?

Yes No

Not applicable.

If Yes to (b) or (c), follow HUD’s Floodplain Management Regulations 8-Step decision-making process of §55.20 to comply with 24 CFR Part 55. The 8-Step decision-making process must show that there are no practicable alternatives to locating the project in the floodplain, and if there are no alternatives, define measures to mitigate impacts to floodplains and location of the project in the floodplain. Completion of the 8-Step decision-making process must be completed before the completion of an EA per §55.10(a). See Attachment 1 for an example of the 8-Step decision-making process. The findings of the decision-making process must be included in the ERR and summarized in Part 55 and Part 58 public notices. Mark box “B” on the Statutory Checklist for this authority.

If No to (b) and (c), compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

Comments:

Cite and attach source documentation: (FEMA flood map used to make this finding with the project location marked on the map. Include the community name, map panel number and date of map. As applicable, §55.20 8-Step decision-making process analysis. If FEMA has not published the appropriate flood map, the RE must make a finding based on best available data.)

For more information see:

FEMA Map Service Center:

<http://www.store.msc.fema.gov>

10. §58.5(i) (1) Noise Abatement and Control [24 CFR Part 51B]

- a. Does the project involve a noise sensitive use such as a residential structure, school, hospital, nursing home, library, etc.?

Yes No

st

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is the project located within:
- 15 miles of a civilian or military airfield with more than 9,000 carrier operations annually;
 Yes No
 - 1000 feet of a major highway or busy road;
 No

- within 3000 feet of a railroad.

Yes No

If Yes to any the above, complete a noise calculation assessment. Use adopted DNL contours if the noise source is an airport. Continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- c. Do noise calculations or airport noise contour maps indicate noise levels above 65dB (outside)?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- d. Do noise calculations or airport noise contour maps indicate noise levels above 75dB (outside)?

Yes No

If No, for projects in the normally unacceptable zone (65dB – 75dB), noise attenuation measures are strongly encouraged for rehabilitation and required for new construction to reduce noise levels to below 65dB (outside). Mark box "B" on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

If Yes, HUD assistance for the construction of new noise sensitive uses is generally prohibited for projects with unacceptable noise exposure (>75dB). Noise attenuation measures are strongly encouraged for rehabilitation projects with unacceptable noise exposure to reduce noise levels to below 65dB (outside). Mark box "B" on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

Comments:

Cite and attach source documentation: (Maps with project location indicating distance from noise sources. DNL calculations and/or NAG worksheets.)

For more information see:

HUD noise guidebook:

<http://www.hud.gov/offices/cpd/environment/review/noise.cfm>

<http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm>

<http://www.hud.gov/offices/cpd/environment/mitigation.cfm>

<http://portal.hud.gov/hudstracat/noiseCalcEntry.jsp>

FAA:

http://www.faa.gov/airports/planning_capacity/npias/reports/

11. §58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]

- a. Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- b. Was a field observation performed by a qualified environmental professional which documents that there are above ground storage tanks within line of site of the project?

Yes No

- c. Is the project site within 1 mile of current or planned stationary aboveground storage tanks of more than 100 gallon capacity, containing common liquid industrial fuels OR of any capacity, containing hazardous liquids or gases, that are not liquid industrial fuels?

Yes No

- d. Are industrial facilities handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from the project site?

Yes No

If Yes to any of the above, use HUD Hazards Guide to calculate an Acceptable Separation Distance to comply with 24 CFR Part 51, Subpart C. Continue.

If No to all of the above, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- e. Is the project located at an Acceptable Separation Distance from any aboveground explosive or flammable fuels or chemicals containers as calculated

Yes? No

Yes No

If Yes, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

If No, continue.

- f. Can mitigation measures, such as construction of a barrier of adequate size and strength, reduce the blast overpressure or thermal radiation hazard to protect the project (per 24 CFR §51.205)?

Yes No

If Yes, Mark box “B” on the Statutory Checklist for this authority. List all mitigation measures in the mitigation section of the Statutory Checklist.

If No, HUD assistance cannot be used for this project.

Comments:

Cite and attach source documentation: (Maps with project location noted showing distance from explosives and flammable operations. ASD calculations/worksheet.)

For additional information see:

HUD Guidance on Siting Projects near Explosive and Flammable Facilities:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/revie
[w/explosive](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/revie)

12. §58.5(i) (1) Airport Hazards [24 CFR 51D]

- a. Will the project use HUD assistance, subsidy or insurance for construction; land development; community development or redevelopment; substantial modernization and rehabilitation which prolongs the physical or economic life of existing facilities; provide facilities and services which make land available for construction; change the use of a facility; increase the density or number of people at the site?

Yes No

If **Yes**, continue.

If **No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is the property within 2,500 feet of a civilian airport, the Runway Clear Zone (RCZ)?

Yes No

- c. Is the project is within 15,000 feet of a military airfield, the Clear Zone (CZ) or Accident Potential Zone (APZ)?

Yes No

If Yes to either of the above questions, request a written finding from the airport operator stating whether or not the project is located in a RCZ, CZ or APZ.
Continue.

If No to both of the above questions, compliance with this section is complete.
Mark box "A" on the Statutory Checklist for this authority.

- d. If the project is within 15,000 feet of a military airfield or within 2,500 feet of a civilian airport, did your written confirmation from the airport operator confirm that the project is located in a RCZ, CZ or APZ?

Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- e. If the project is located in a military airfield APZ, is the project consistent with the Land Use Compatibility Guidelines for Accident Potential Zones (32 CFR Part 256, DOD Instruction 4165.57).

Yes No

If Yes, attach copy of written assurance from airport operator. Mark box "B" on the Statutory Checklist for this authority.

If No, HUD funds may not be used for this project.

- f. If the project is in a RCZ/CZ will the project be frequently used or occupied by people?

Yes No

If Yes, HUD funds may not be used for this project.

If No, continue.

- g. If the project will not frequently be used by people, has the airport operator provided a written statement that there are no plans to purchase the land involved with such facilities as part of an RCZ/CZ acquisition program?

Yes No

Not applicable. All sites will house people on a daily basis.

If Yes, attach copy of written assurance from airport operator. Mark box "B" on the Statutory Checklist for this authority.

If No, HUD funds may not be used for this project.

Comments:

Cite and attach source documentation: (Map with project location noted showing the distance from civilian airports and/or military airfields. Written confirmation from airport operating stating whether or not project is located in a RCZ, CZ or APZ. Written assurance from airport operator on purchase of property.)

For further information see:

Airport Information: <http://www.airnav.com/airports/>

HUD Airport Hazards Q&A:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/revie/w/qa/airport

13. §58.5(i) (2) Contamination and Toxic Substances

- a. Is the property located within the search distances of any of the types of environmental contamination sources?

Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No
Federal NPL Site List	1	<input type="checkbox"/>	<input type="checkbox"/>
Federal Delisted NPL Site List	0.5		
Federal CERCLIS List	0.5		
Federal CERCLIS NFRAP Site List	0.5		
Federal RCRA CORRACTS Facilities List	1		
Federal RCRA Non-CORRACTS TSD Facilities List	0.5		
Federal RCRA Generators List	Property/Adjoining Properties		
Federal Institutional Control/Engineering Control Registries	Property Only		
Federal ERNS List	Property Only		
State- and Tribal-Equivalent NPL	1		
State- and Tribal-Equivalent CERCLIS	0.5		
State and Tribal Landfill and/or Solid Waste Disposal Site Lists	0.5		
State and Tribal Leaking Storage Tank Lists	0.5		
State and Tribal Registered Storage Tank Lists	Property/Adjoining Properties		
State and Tribal Institutional Control/Engineering Control Registries	Property Only		

State and Tribal Voluntary Cleanup Sites

0.5

State and Tribal Brownfield Sites

0.5

b. Did a visual inspection of the site show the following?

	Yes	No
Distressed vegetation		
Vent or Fill Pipes		
Storage Oil Tanks or Questionable Containers		
Pits, Ponds or Lagoons		

	Yes	No
Stained Soil or Pavement (other than water stains)		
Pungent, Foul or Noxious Odors		
Dumped Material or Soil, Mounds of Dirt, Rubble, Fill, etc.		

c. Has the property ever been used for any of the following types of uses?

	Yes	No		Yes	No
Gas Station			Vehicle Repair Shop		
Car Dealership			Auto Garage		
Depot			Commercial Printing Facility		
Industrial or commercial warehouses			Dry Cleaners		
Photo Developing Laboratory			Hospital		
Junkyard or landfill			Agricultural/Farming Operations		
Tannery			Live stock Operations		

- d. Does the project have an underground storage tank other than a residential fuel tank, or known or suspected to be contaminated by toxic chemicals or radioactive materials?
 Yes No
- e. Is the project site near an industry disposing of chemicals or hazardous wastes?
 Yes No

If No to all of the above, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

If Yes to any of the above, a qualified environmental professional must undertake investigations necessary to ensure that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances such that there is no hazard which could affect the health and safety of occupants or conflict with the intended utilization of the property. Continue.

- f. Could nearby toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended use of the property?
 Yes No
- g. Are there unresolved concerns that could lead to the RE being determined to be a Potentially Responsible Party (PRP)?
 Yes No

If Yes, continue.

If No, provide written documentation from a qualified environmental professional which documents that identified potential sources of contamination does not pose a hazard which would restrict the intended uses of the property or to the occupants.

- h. Was an ASTM Phase I Environmental Site Assessment (ESA) report completed for this project? (Note: HUD regulations do not require an ASTM Phase I ESA report for single family homes of 1-4 units. An ASTM Phase I ESA report is required for multifamily (5 or more units) and/or Non-residential properties.)
 Yes No
- i. Did the ASTM Phase I ESA or other documentation uncover any Recognized Environmental Conditions (RECs) or recommend a Phase II, special/specific Phase II or recommend Phase III environmental site assessments?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- j. Do ESAs or other documentation conclude that nearby toxic, hazardous or radioactive substances could affect the health and safety of project occupants or conflict with the intended use of the property?
 Yes No

If Yes, continue below.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- k. Did any of the ESA reports or other documentation identify the need to mitigate the environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency?
 Yes No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- l. Can all adverse environmental conditions identified in any of the ESAs or other documentation be mitigated?
 Yes No

If Yes, compliance with this section is complete. List specific remedial actions or mitigations in the mitigation section of the Statutory Checklist, according to the requirements of the appropriate Federal, state, or local oversight agency. Mark box "B" on the Statutory Checklist for this authority.

If No, HUD cannot provide assistance for the project at this site.

Comments:

Cite and attach source documentation: (Maps showing project distance to contaminated sites. Phase I (ASTM) Report. All ESAs and mitigation plans performed for this project.)

For additional information see:

HUD Information on Hazardous, Toxic or Radioactive Substances

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/revie
[w/hazardous](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/revie)

EPA Envirofacts Data:

<http://www.epa.gov/enviro/>

EPA Toxic Release Inventory (TRI):

http://www.epa.gov/enviro/html/toxic_releases.html

EPA Maps:

<http://www.epa.gov/emefdata/em4ef.home>

EPA CERCLIS/NPL – Superfund database:

<http://www.epa.gov/superfund/sites/query/basic.htm>

ATSDR “ToxFAQs” summaries about hazardous substances:

<http://www.atsdr.cdc.gov/toxfaqs/index.asp>

Summary of Mitigation Measures:

Compliance Checklist for 24 CFR 58.8 must be completed. Please attach and include any mitigation measures not reflected on this worksheet.

Yes No **The project is cleared and work may proceed; or**

The project is not cleared and work may not proceed for the following reasons:

Signature of Preparer

Date

Printed Name of Preparer

Signature of the RE Authorized Official

Date

Printed name of the RE Authorized Official