Contamination and Toxic Substances (Multifamily and Non-Residential Properties)

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
Reference		
https://www.hudexchange.info/programs/environmental-review/site-contamination		

1. **How was site contamination evaluated?** [1] **Select all that apply.**
   - ☐ ASTM Phase I ESA
   - ☐ ASTM Phase II ESA
   - ☐ Remediation or clean-up plan
   - ☐ ASTM Vapor Encroachment Screening
   - X None of the above

   → *Provide documentation and reports and include an explanation of how site contamination was evaluated in the Worksheet Summary.*
   Continue to Question 2.

2. **Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

   X No

   Explain:

   Properties not selected yet. Tier 2 of ER process will inspect for on-site hazards at specific site.

   → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

   ☐ Yes.→ *Describe the findings, including any recognized environmental conditions (RECs), in Worksheet Summary below. Continue to Question 3.*

[1] HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site. For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD's toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

3. **Mitigation**

   Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental effects cannot be mitigated, then HUD assistance may not be used for the project at this site.

Can adverse environmental impacts be mitigated? NA

☐ Adverse environmental impacts cannot feasibly be mitigated
→ Project cannot proceed at this location.

☐ Yes, adverse environmental impacts can be eliminated through mitigation.
→ *Provide all mitigation requirements*[2] *and documents. Continue to Question 4.*

4. **Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls**[3]**, or use of institutional controls**[4]**.**

If a remediation plan or clean-up program was necessary, which standard does it follow? NA

☐ Complete removal

→ *Continue to the Worksheet Summary.*

☐ Risk-based corrective action (RBCA)

→ *Continue to the Worksheet Summary.*

[2] Mitigation requirements include all clean-up actions required by applicable federal, state, tribal, or local law. Additionally, provide, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.
[3] Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, without limitation, slurry walls and ground water pumping systems.
[4] Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates; Cannot Map the projects at this time in Tier 1.
- Names of all consulted parties and relevant consultation dates; Pamela Reilly, SHPO 5/26/2020
- Names of plans or reports and relevant page numbers; Will conduct Risk Assessment, On-site Inspection as well as research on EPA's website as applicable once project locations are determined.
- Any additional requirements specific to your region; In previous years, Housing Rehabilitation projects are not located in hazards sites as the areas are residential.

Are formal compliance steps or mitigation required?

☐X Yes

No

RE

Attachment 6.b Federal Delisted
Attachment 6.c SHPO
Attachment 6.d SHPO Summary Appendix A