ENVIRONMENTAL REVIEW RECORD CHECKLIST

Project Year and Title:

	Requirements	**n/a**	Environmental Assessment	Categorically Excluded	Categorically Excluded Converted to Exempt	Exempt	Aggregate - previous ERR still valid	Adoption of Other Agencies' EA	Addendum / Scope Change
Corresponds to form(s):	Corresponds to ERR Chapter pgs:		7-11	11-13	13	14	15	14	14-15
EA Worksheets	**Environmental Assessment Narrative** **Statutory Worksheet** **NEPA Checklist** **Signature/Dates on all forms** Signature Dates*	☐ ☐ ☐ ☐	☐						only description ☐
CES Worksheets	**CES Narrative** **Statutory Worksheet** **Signature/Dates on all forms** Signature Dates*	☐ ☐ ☐		☐	☐			☐	
Exempt Worksheets	**Exempt Checklists and Certification** **Signatures/Dates on all forms** Signature Date(s)	☐ ☐			☐	☐			
	Map w/ project delineated	☐	☐	☐	☐	☐	☐	☐	☐
	SHPO Letter Response Date*	☐	☐	☐	☐			☐	☐
	All Tribal Consultations Sent Date* Tribe(s) & Response Date(s)	☐ ☐	☐	☐	☐			☐	☐

* The signature date must precede the publication date of the NOI/RROF or the Concurrent Notice and the Distribution List letters

	Requirements	n/a	Environmental Assessment	Categorically Excluded	Categorically Excluded Converted to Exempt	Exempt	Aggregate - previous ERR still valid	Adoption of Other Agencies' EA	Addendum / Scope Change
	Early Notice and Public Review (for floodplain projects) Publication Date	☐	☐	☐				☐	
	Final Notice and Public Explanation (for floodplain projects) Publication Date	☐	☐	☐				☐	1
	Concurrent Notice Publication Date OR Posting Date	☐ ☐	☐					☐	
	Notice of Intent to Request Release of Funds Publication Date OR Posting Date	☐ ☐		☐					
	Distribution List (with proof) Date EN&PR Letters Sent FN&PE / Other Notice Date Letters Sent	☐ ☐	☐	☐				☐	
	Documentation of Flood Insurance (for structures only)	☐	☐	☐				☐	
	Copy of Adopted EIS/EA	☐						☐	
	Addendum of Validity Signature Date	☐					☐	☐	☐
	Request for Release of Funds/Certification Signature Date**	☐	☐	☐	☐		☐ 2	☐	

** The signaure date must be after local review

1 Check with ECD before completing - only needed if original ERR was an EA.

2 Needed if original project was funded in a previous year

Categorically Excluded Assessment
For HUD-funded Proposals
24 CFR Part 58

Project Name:

Responsible Entity:
[24 CFR Part 58.2(a)(7)] [City or County]

Certifying Officer:
[24 CFR Part 58.2(a)(2)] [Mayor/County Executive]

Recipient Address

Project Identification:
[HUD Project Number]

ERR Preparer:

Date of ERR Completion:

Project Location:

HUD CDBG Funds:

Estimated Total Project Cost:
[24 CFR 58.32(d)]

Description of the Proposed Project: Include all contemplated actions, which logically are either geographically or functionally a composite part of the project, regardless of the source of funding [24 CFR 50.12 & 58.32; 40 CFR Part 1508.25]. **Include alternatives to the project.**

Statement of Need for Proposal: [40 CFR Part 1508.9(b)]

Existing Conditions and Trends: Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project (land use, soils, etc.) [24 CFR Part 58.40(a)].

Mitigation Measures and Conditions [40 CFR 1505.2(c)]
Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Preparer Signature: **Date:**

Name/Title/Organization:

Certifying Officer Signature: **Date:**

Name/Title:

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

STATUTORY WORKSHEET

24 CFR §50.4, 58.5, 58.6 Laws, Statutes, Executive Orders & Regulations

Use this worksheet for projects that need an Environmental Assessment or are Categorically Excluded per 24 CFR §58.35(a).

HUD Grant number

HUD CDBG funds

Other funds and source

Project total

PROJECT NAME, LOCATION and DESCRIPTION –
Include all contemplated actions that logically are either geographically or functionally part of the project:

SEWER SYSTEM PROJECTS ONLY:
LIST DATE AND CATEGORY OF LAST ERR

DIRECTIONS -
See the Statutory Worksheet Documentation Directions for directions on completing this form.

Compliance Factors:

STATUTES, EXECUTIVE ORDERS AND REGULATIONS LISTED AT 24 CFR 58.5 & 58.6	A/B	COMPLIANCE DETERMINATION
HISTORIC PRESERVATION NHPA partic. 106, 110; 36 CFR 800		SHPO response letter date: SHPO response: THPO response letter date(s): THPO response(s): List of Tribes that did not respond:

FLOODPLAIN MANAGEMENT 24 CFR 55; EO 11988 partic. 2(a)		FIRM map #(s) -
WETLAND PROTECTION EO 11990 partic. (2), (5)		
COASTAL ZONE MANAGEMENT ACT CZMA Sections 307(c) & (d)		There are no coastal zones in Tennessee. See attached documentation.
SOLE SOURCE AQUIFERS SDWA partic. 1424(e); 40 CFR 149		There are no Sole Source Aquifers in Tennessee. See attached documentation.
ENDANGERED SPECIES ACT ESA partic. Section 7; 50 CFR 402		
WILD AND SCENIC RIVERS ACT WSRA partic. Sections 7(b) & (c)		
CLEAN AIR ACT CAA partic. Section 176(c) & (d); 40 CFR 6, 51, 93		See attached attainment or non-attainment map and /or list.
FARMLAND PROTECTION POLICY ACT FPPA partic. 1504(b) & 1541; 7 CFR 658		See completed FPPA checklist.
EXPLOSIVE & FLAMMABLE HAZARDS 24 CFR 51C		
NOISE ABATEMENT & CONTROL NCA; QCA; 24 CFR 51B		
AIRPORT CLEAR ZONES & ACCIDENT POTENTIAL ZONES 24 CFR 51D		See completed Airport checklist and radius map.
CONTAMINATION & TOXIC SUBSTANCES 24 CFR 50.3(i), 58.5(i)(2)		See completed Toxic checklist and EnviroFacts.
ENVIRONMENTAL JUSTICE EO 12898		Project will not negatively affect low and moderate incomes and minority populations. Memo Date-

DETERMINATION:

☐ This project converts to Exempt, per § 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license *(Status "A" has been determined in the status column for all authorities. Complete an A-16, also.)* Funds may be drawn down for this (now) EXEMPT project;

OR

☐ This project cannot convert to Exempt and is Categorically Excluded because one or more statutes/authorities require consultation or mitigation.
Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per §§ 58.370 and 58.71 before drawing down funds;

OR

☐ The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

OR

☐ This is documentation as an ERR addendum. The original ERR is still current/valid.

Signature of preparer Date

Title of preparer

Signature of Certifying Officer Date

Title of Certifying Officer

Certification of Exemption for HUD funded projects

Determination of activities not subject to 24 CFR 58.34(a)
May be subject to provisions of 24 CFR 58.6, as applicable

Project Name:

Project Description:

Address:

Funding Source: ☐ CDBG Other _____

Funding Amount: Grant Number:

If truck or equipment, check box #7. *If CE converting to Exempt, check box #12.*

	1. Environmental and other studies, resource identification and the development of plans and strategies;
	2. Information and financial services;
	3. Administrative and management activities;
	4. Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
	5. Inspections and testing of properties for hazards or defects;
	6. Purchase of insurance;
☐	7. Purchase of tools;
	8. Engineering or design costs;
	9. Technical assistance and training;
	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;
	11. Payment of principal and interest on loans made or obligations guaranteed by HUD;
☐	12. Any of the categorical exclusions listed in Sec. 58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in 24 CFR 58.5.

If your project falls into any of the above categories, you do not have to submit a Request for Release of Funds (RROF), and no further approval from HUD/ECD will be needed by the recipient for the drawdown of funds to carry out exempt activities and projects. However, the responsible entity must still document in writing its compliance with and/or applicability of "other requirements" per 24CFR58.6 (included with this document).

By signing below the Responsible Entity certifies in writing that each activity or project is exempt and meets the conditions specified for such exemption under section 24 CFR 58.34(a). Please keep a copy of this determination in your project files.

Certifying Official Name & Title (please print): _____

_____

_____ _____
Certifying Official Signature Date

8-STEP DECISION MAKING PROCESS DOCUMENTATION

(Decision Making Process under E.O. 11988 and 24 CFR 55.20)
[Attach additional pages as necessary for any step in the process.]

STEP 1 – Determine if the proposed action/project is located in a 100-year floodplain/wetland, or 500-year floodplain for a critical action.
Attach the FEMA Firmette of the Flood Insurance Rate Map, mark the project site clearly on the map, and complete the following:

Community Name/Number: _____

Map Panel and Date of Map Panel:_____

(Continue to Step 2 if the area has been mapped.)

☐ Check here if the area has not been mapped by FEMA, and continue below.

If the area has not been mapped by FEMA, obtain and attach the best information available from one or more of the following accepted source (check all sources used):

☐ Community Flood Administrator
☐ US Army Corps of Engineers
☐ US Geological Survey Maps
☐ USDA Natural Resources conservation Service Soils Map
☐ Regional Planning Commission/Regional Council of Governments Mapping
☐ Local flood control or levee district
☐ Other _____

STEP 2 – Involve the public in the decision-making process.

Publish the Early Notice and Public Review.

The Early Notice and Public Review is a notice of the proposal to consider an action in a floodplain/wetland. The Notice must be published in the non-legal section of the newspaper of widest circulation. A minimum 15-day comment period begins the day after publication. Indicate if comments were received. If the RE receives any written comments, the RE must respond in writing, resolve any issues and provide copies to CDBG. A copy of the publication must be enclosed in the ERR.

Name of Newspaper: _____

Date of publication: _____

Were adverse comments received in writing? ☐ **Yes** ☐ **No**
(If yes, attach all correspondence.)

STEP 3 – Evaluate alternatives to locating the proposed action in a floodplain.

Explain in detail each of the following to determine if the floodplain and/or wetland can be avoided: (Attach additional pages if necessary.)

a. Identify and explain if alternative sites suitable for the project exist outside the floodplain/wetland: *(Refer to the engineer/architect, or engineering/architectural report for alternatives. Other buildings and/or sites and No Action alternatives must be evaluated.)*

b. Identify and explain if feasible alternative actions/methods may be used to fulfill the identical project objective: *(Can different or modified actions with less chance for impact be used to fulfill the same project?)*

c. Identify and explain if threats to lives and property and/or adverse impacts to the floodplain/wetland *outweigh* benefits of the proposed project: *(Explain if impacts are too severe to human and natural environments to complete the project.)*

STEP 4 – Identify indirect and direct impacts associated with occupying or modifying the floodplain/wetland.

If the RE determines the only practicable alternative for the project/action is occupying or modifying the floodplain/wetland, then impacts to lives and properties and impacts to floodplains and/or wetland, must be identified. If the RE determines an alternative site of the project exists out of the floodplain/wetland, project activities may still have an impact on the nearby floodplain/wetland and must also be identified to determine ways to minimize harm.

Explain in detail how the project/activity will affect the floodplain/wetland regarding the following types of impacts:

Positive or beneficial impacts to the floodplain/wetland, both direct and indirect:

Negative or harmful impacts to the floodplain/wetland, both direct and indirect:

Concentrated impacts – those occurring at or near the floodplain/wetland:

Dispersed or remote impacts occurring distant from the floodplain/wetland:

Short-term impacts to the floodplain/wetland (temporary impacts occurring immediately after an action lasting as short while):

Long-term impacts to the floodplain/wetland (impacts occurring during or after an action that persist for considerable time or indefinitely):

Explain if project encourages development in the floodplain/wetland:

STEP 5 – Identify mitigation measures to minimize impacts to and to preserve benefits of the floodplain/wetland. *(Consult project engineer/architect and/or engineering/architectural report.)*

a. Explain how actions will be designed and/or modified to minimize harm to or within the floodplain/wetland.

b. Explain how actions will be designed and/or modified to restore and/or preserve as much of the natural and beneficial floodplain/wetland values as possible.

STEP 6 – Re-evaluate alternatives identified in Step 3. Take into account all identified impacts & mitigation measures.

a. Explain whether it is possible to modify or relocate the project/activity and why.

b. If there are no alternatives, explain why the project/activity should occur. Consider impacts determined in Step 4 and minimization efforts identified in Step 5.

STEP 7 – If re-evaluation results in no practicable alternative to relocate the project out of the floodplain/wetland, the decision must be made public.

Publish the Final Notice and Public Explanation

The Final notice must be published in a non-legal section of the newspaper of widest circulation. *A 7-day comment period begins the day after publication.* This notice may be published concurrently with the Concurrent Notice or the NOI/RROF. (24 CFR Subpart C § 55.20(b)(1).
If the RE receives written comments, the RE must respond in writing, resolve issues and provide copies to CDBG. A copy of the publication must be enclosed in the ERR.

Name of Newspaper: _____

Date of publication: _____

Were adverse comments in writing received? ☐ **Yes** ☐ **No**
(If Yes, attach all correspondence.)

STEP 8 – Implement the Project.

Project implementation can only proceed provided compliance has been demonstrated with respect to all of the prior steps and provided the project has been approved by the state in accordance with HUD regulation 254 CFR part 58.

The Responsible Entity has a continuing responsibility to ensure that the mitigating measures identified in Step 7 are implemented. Mitigation measures must be incorporated, as appropriate, in project contract and all related agreement documents.

Additional Information/Explanations:

_____ _____
Preparer's signature/title **Date**

Farmland Protection

Checklist for Responsible Entity

General requirements	Legislation	Regulation
The Farmland Protection Policy Act discourages Federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

1. Does your project include new construction, acquisition of undeveloped land or change in use of land or property?

☐ No: STOP here. The Farmland Protection Policy Act does not apply. Record your determination
☐ Yes: PROCEED to #2

2. Does your project meet one of the following exemptions?

- Construction limited to on-farm structures needed for farm operations.
- Construction limited to new minor secondary (accessory) structures such as a garage or storage shed
- Project on land used for water storage or already in or committed urban development (this includes land with a density of 30 structures per 40 acre area. It also includes lands identified as "urbanized area" (UA) on the Census Bureau Map, or as urban area mapped with a "tint overprint" on the USGS topographical maps, or as "urban built-up" on the USDA Important Farmland Maps. Please note that land "zoned" for development, i.e. non-agricultural use, does not exempt a project from compliance with the FPPA).

☐ No: PROCEED to #3
☐ Yes: STOP here. The Farmland Protection Policy Act does not apply. Record your determination

3. Does "important farmland" regulated under the Farmland Protection Policy Act occur on the project site? This includes prime farmland, unique farmland and/or land of statewide or local importance (You may use the links below to determine if important farmland occurs on the project site):

- Utilize USDA Natural Resources Conservation Service's (NRCS) Web Soil Survey http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm
- Check with your city or county's planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the local USDA service center http://offices.sc.egov.usda.gov/locator/app?agency=nrcs or your NRCS state soil scientist http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1254316.pdf for assistance

☐ No: STOP here. The project does not convert farmland to nonagricultural purposes. Record your determination on the Statutory Worksheet and attach documentation used to make your determination

☐ Yes: PROCEED to #4

4. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.

Complete form AD-1006, "Farmland Conversion Impact Rating" http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf and contact the state soil scientist before sending it to the local NRCS District Conservationist. Work with NRCS to minimize the impact of the project on the protected farmland.

Return a copy of Form 1006 to the USDA-NRCS State Soil Scientist or his/her designees informing them of your determination once you have finished the analysis.

DISCLAIMER: This document is intended as a tool to help TN CDBG grantees complete environmental requirements. This document is subject to change. This is not a policy statement, and the Farmland Protection Legislation and Regulations take precedence over any information found in this document.

_____ _____

Preparer signature and Title Date

Explosive and Flammable Operations

Checklist for Responsible Entity

General requirements	Legislation	Regulation
Establish safety standards that can be used a basis for calculating acceptable separation distances for assisted projects.	Sec. 2 Housing and Urban Development Act of 1969 (42 U.S.C. 1441 (a)	24 CFR 51 Subpart C

1. **Does the proposed project involve any of the following residential activities: development, construction (reconstruction), rehabilitation, modernization or conversion?**
   For modernization and rehabilitation, does the work increase residential densities, convert a building for habitation or make a vacant building habitable?
   Does the proposed project involve new construction, construction of line extensions or increase the number of people exposed to potential hazards?

☐ No: STOP here. The project is not subject to 254 CFR Part 51 C. Record the determination in your ERR "Project will not increase the number of people exposed to potential hazards." Place the A-27 in the Environmental Review Record.

☐ Yes: PROCEED to #**2**

2. **Are there aboveground storage tanks within 1 mile of the project site more than 100 gallons in size? Are there plans to install such aboveground storage tanks within 1 mile of the project site?**
   *A site visit is required to assess the area for hazards and must be documented.

The site visit should be completed by the County Emergency Services management or local Fire Chief. The site visit is required to ensure that there are no storage tanks within one mile of the project site. A letter/memo from the individual completing the site visit should be placed as documentation in your ERR, along with a radius map and this checklist.

TIP: You do not have to consider all tanks at all sizes within 1 mile of your project. Screen further by determining the Acceptable Separation Distance (ASD) for specific tank sizes and using that information to narrow your search. For instance, the maximum ASD for a 100 gallon tank is 115 feet. You do not need to map100 gallon tanks farther than 115 feet from your project site.
https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/
http://www.hud.gov/offices/cpd/environment/asduserguide.pdf

(HUD's stated position is that 24 CFR Part 51 C does not apply to storage tanks ancillary to the operation of the assisted 1-4 family residence, for example the home heating or power source. It does apply to all other tanks, including tanks for neighboring 1-4 family residences.)

☐ No: STOP here. The project is not subject to 24 CFR Part 51 C.
Documentation to be placed in the ERR is the A-27 and a copy of the site visit notes signed by the County EMS management or local Fire Chief and a radius map.

☐ Yes: PROCEED to #3

3. Is the Separation Distance from the project acceptable based on standards in 24 CFR 51 C?
Use the online tool to calculate ASD:
https://www.hudexchange.info/environmental-review/asd-calculator/

☐ Yes: STOP here. Include signed site visit report, map(s), ASD calculations and this checklist in your ERR.
☐ No: PROCEED to #4

4. With mitigation, can the Separation Distance become acceptable?

☐ No: PROJECT IS NOT ACCEPTABLE-DO NOT FUND

☐ Yes: STOP here. Maintain documentation supporting your determination in your ERR. Documentation could include a finding by a qualified data source (i.e. Fire Marshal, etc.), copies of pictures, maps, technical calculations and information describing the mitigation measures taken.

MITIGATION OPTIONS
If the Acceptable Separation Distance (ASD) cannot be met your options are:

No action
- Cancel the project at this location

Mitigation
- Contact your Field or Regional Environmental Officer http://www.hud.gov/offices/cpd/environment/contact/.
- Incorporate natural or existing man-made barriers.
- Have the storage containers (tank) buried • Reconfigure the site plan - To increase the distance between the hazard and the project.
- Modify the building design - To compensate for the ASD
- Construct a Barrier for blast overpressure and thermal radiation.

Other reasonable alternatives
- Choose an alternate site

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_____ _____
Preparer signature and Title Date

Clear Zones (CZ) and Accident Potential Zones (APZ)

Checklist for Responsible Entity

General requirements	Legislation	Regulation
Promote compatible land uses around civil airports and military airfields	Section 2 of the Housing Act of 1949 as amended, 42 U.S.C 1331, affirmed by Section 2 of the Housing and Urban Development Act of 1969, P.L. No 90-448; Section 7(d) of the Dept. HUD Act of 1965, 42 U.S.C. 3535 (d).	24 CFR Part 51 Subpart D 32 CFR Part 256

1. Is the Project located within 2,500 feet for a civil airport or within 15,000 feet for a military airfield of the end of a runway?

☐ No: STOP here. The project is not within a Clear Zone (also known as Runway Protection Zone) or Accident Potential Zone. Record your determination as listed below.

Maintain in your ERR a radius map with the project area marked that identifies airports and lists the distance between the CA and/or APZ and the project area. The regulations only apply to military and civil primary and commercial service airports. The Federal Aviation Administration updates the list of applicable airports annually: http://www.faa.gov/airports_airtraffic/airports/planning_capacity/passenger_allcargo_stats/passenger

☐ Yes: PROCEED to #2

2. Is the Project in the CZ or APZ?

Contact the airport operator and obtain written documentation of the Clear Zone (also known as Runway Protection Zone) and for military airfields, the Accident Potential Zone, and a determination of whether your project is in the APZ or CZ. Include the documentation in the ERR.

☐ No: STOP here. Record your determination that the project is not in a CZ or APZ.

☐ Yes: PROCEED TO #3

For Civil and Military Airports, is the activity for new construction, major rehabilitation*, or any other activity which significantly prolongs the physical or economic life of existing facilities? For Accident Potential Zones at Military Airfields, does the project change the use of a facility so that it becomes one which is no longer acceptable in accordance with Department of Defense standards (Please see 32 CFR Part 256 for *Land Use Compatibility Guidelines for Accident Potential Zones*)**, significantly increases the density or number of people at the site, or introduces explosive, flammable or toxic materials to the area?**

☐ No: STOP here. The project is not subject to the regulations. Record your determination.

☐ Yes: PROCEED to #4

4. Will the project frequently be used or occupied by people?

☐ Yes: The project cannot be assisted with HUD funds. STOP HERE.

☐ No: Obtain written assurance from the airport operator to the effect that there are no plans to purchase the land involved with the project as a portion of a Runway Clear Zone or Clear Zone acquisition program. Maintain copies of all of the documents you have used to make your determination

* Rehabilitation is major when the estimated cost of the work is 75% or more of the total estimated cost of replacement after rehab (Please see 24 CFR 58.35(a) for complete definition of major rehabilitation thresholds.)

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_____ _____

Preparer signature and title Date

Toxic Chemicals and Radioactive Materials

Checklist for Responsible Entity

General Requirements	Legislation	Regulation
All property proposed for use in HUD programs must be free of hazardous materials, contamination, toxic chemicals and gasses and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by Superfund Amendments and Reauthorization Act	24 CFR 58.5(i)

You are required to consider all hazards that could affect the health and safety of occupants and use current techniques by qualified professionals to undertake investigations determined necessary.

1. Is the project for any type of acquisition (not just housing), any type of new construction (including line extensions) and/or rehabilitation of a one-to-four family residential property?

☐ No: PROCEED to #2

☐ Yes: PROCEED to #3 to determine the likelihood of hazardous conditions existing nearby or on the property which could affect the health and safety of proposed occupants.

2. Is the project for multifamily housing with 5 or more dwelling units (including leasing), or non-residential property?

☐ No: PROCEED to #3

☐ Yes: The environmental review **must** include the evaluation of previous uses of the site or other evidence of contamination on or near the site, to assure that the occupants of proposed sites are not adversely affected by hazardous materials, contamination, toxic chemicals and gases, and radioactive substances. **For acquisition and new construction projects, HUD strongly advises that the review include an ASTM Phase 1 assessment or equivalent analysis, including an update if the assessment is over 180 days old, in order to meet real estate transaction standards of due diligence.** Your review should also cover the information in the questions below. PROCEED to #3.

3. Is the answer Yes to any of the following questions?

Is the property or surrounding neighborhood listed on an EPA Superfund National Priorities, the SEMS List, or equivalent State list?
Internet sites that may be helpful:
National Priorities list: www.epa.gov/superfund/sites/npl.
Envirofacts Homepage: http://www.epa.gov/enviro/
Enviromapper: http://www.epa.gov/emefdata/em4ef.home

☐ No ☐ Yes

Is the property located near a toxic or solid-waste landfill site?
An internet site that may be helpful is http://www.epa.gov/emefdata/em4ef.home. Maps, site inspections and documentation from the local planning department may also be useful in making your determination.

☐ No ☐ Yes

Are there any underground storage tanks (not including residential fuel tanks) on or near the property?
Consider past uses of the property when making your determination.

☐ No ☐ Yes

Is the property known or suspected to be contaminated by toxic chemicals or radioactive materials?

☐ No ☐ Yes

"No" to all questions: The toxic chemicals and radioactive materials review is complete; record your determination on the Statutory Worksheet and maintain appropriate documentation in the ERR (this form completed and a copy of the Envirofacts report page).
Yes to any of the above questions: PROCEED to #4

HUD's "Choosing an Environmentally 'Safe' Site" provides guidance in considering potential environmental issues: http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12823.pdf. In considering the site the guidance suggests that you:

- Make a visual inspection of the site for signs of distressed vegetation, vents or fill pipes, storage/oil tanks or questionable containers, pits, ponds or lagoons, stained soil or pavement, pungent, foul or noxious odors, dumped material or soil, mounds of dirt, rubble, fill etc.
- Research the past uses of the site and obtain a disclosure of past uses from the owner. Certain past and present uses such as the following signal concerns of possible contamination and require a more detailed review: gasoline stations, vehicle repair shops, car dealerships, garages, depots, warehouses, commercial printing facilities, industrial or commercial warehouses, dry cleaners, photo developing laboratories, hospitals, junkyard or landfills, waste treatment, storage disposal, processing or recycling facilities, agricultural/farming operations (including hog and poultry operations) and tanneries.
- Identify adjoining properties in the surrounding area for evidence of any facilities as described above.
- Research Federal, State and local records about possible toxins and hazards at the site.

4. Could nearby toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended utilization of the property?

Gather all pertinent information concerning any on-site and nearby toxic hazards. Consider, at a minimum, each of the areas identified in Question 3. Consider if your ASTM Phase 1 or equivalent analysis identifies any Recognized Environmental Conditions (RECs)? If appropriate and/or required, obtain independent professional reviews of the site (e.g., an ASTM Phase 2 or equivalent analysis). Contact appropriate Federal, State and Local resources for assistance in assessing exposure to health hazards.

☐ No: The toxic chemicals and radioactive materials review is complete, unless there are other hazards that could affect the health and safety of occupants. Record your determination that there are no hazards that could affect the safety of occupants or impact the intended use of the project and maintain appropriate documentation in the ERR

☐ Yes: PROCEED to #5

5. Can the adverse environmental condition be mitigated?

☐ No: Do not provide HUD assistance for the project at this site

☐ Yes: Mitigate according to the requirements of the appropriate Federal, State or local oversight agency. Record your determination that there are no hazards that could affect the safety of occupants or impact the intended use of the project and maintain appropriate documentation in the ERR. HUD assistance should be conditioned on completion of appropriate mitigation. Deny HUD assistance if, after mitigation, the property is still determined to be unsafe or unhealthy. For more details please refer to HUD's "Choosing an Environmentally 'Safe' Site."

DISCLAIMER: This document is intended as a tool to help TN CDBG grantees complete environmental requirements. This document is subject to change. This is not a policy statement. Legislation and Regulations take precedence over any information found in this document.

_____ _____

Preparer signature and Title Date

Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain

To: All interested Agencies - Federal, State, and Local - Groups and Individuals

This is to give notice that **[Responsible Entity]** under CFR 24 Part 58 has conducted an evaluation as required by Executive Order 11988 and/or 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for a Community Development Block Grant under **[HUD grant number]**.

[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural value. State the total number of acres of floodplains].

The proposed project(s) is located **[at addresses]** in **[Name of City]**, **[Name of County].**

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by **[Responsible Entity]** at the following address on or before **[month, day, year]** *(a minimum 15 calendar day comment period will begin the day after the publication and end on the 16th day after the publication).*

[Responsible Entity]
[Address]
[phone number],
Attention: **[Name of Certifying Officer], [Title].**

Comments may also be submitted or further information can be requested via email at **[email address]**.
A full description of the project may also be reviewed from **[enter available office hours]** at **[enter address or state that the address is the same as the office address above]**.

Date:

Name of Certifying Officer:

Title of Certifying Officer:

Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain

To: All interested Agencies - Federal, State, and Local - Groups and Individuals

This is to give notice that the **[Responsible Entity]** under CFR 24 Part 58 has conducted an evaluation as required by Executive Order 11988 and/or 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activity in the floodplain and wetland will have on the human environment for a Community Development Block Grant under **[HUD grant number**]. The proposed project(s) is located **[at addresses]** in **[Name of City, Name of County].**

[Describe the activity, e.g. purpose, type of assistance, the size of the site, proposed number of units, size of footprint, type of floodplain, natural values]. [State the total number of acres of floodplains involved].

[Responsible Entity] has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

[List (i) ALL of the reasons why the action must take place in a floodplain, (ii) alternatives considered and reasons for non-selection, (iii) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values; cite

the date of any final or conditional LOMR's or LOMA's from FEMA where applicable; acknowledge compliance with state and local floodplain protection procedures]

[Responsible Entity] has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and/or 11990, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments. This activity will have no significant impact on the environment for the following reasons:

[Give reasons why there is no significant impact]

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments must be received by the **[Responsible Entity]** at the following address on or before **[month, day, year]** *(a minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication):*

[Name of Responsible Entity]
[Address]
[phone number]
Attention: **[Name of Certifying Officer]**, **[Title]**.

Comments may also be submitted or further information can be requested via email at **[email address]**. A full description of the project may also be reviewed from **[enter available office hours]** at
[enter address or state that the address is the same as the office address above].

Date:

Name of Certifying Officer:

Title of Certifying Officer:

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice

Name of Responsible Entity (RE) ***[RE = Grantee]***

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

City, State, Zip Code

Telephone Number of RE

On or about ***[Date]*** the ***[name of RE]*** will submit a request to the Tennessee Department of Economic and Community Development for the release of Block Grant funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake a project known as ***[project title]*** for the purpose of

[nature/scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.]

The activities proposed

[alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements or alternative #2: comprise a project for which a Finding of No Significant Impact on the environment] was

[published/posted] on ***[date of Finding publication/posting].*** An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at

[name and address of RE office where ERR can be examined and name <u>and</u> address of other locations where the record is available for review] and may be examined or copied weekdays

A.M. to P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the ***[RE designated office responsible for receiving and responding to comments].*** All comments received by ***[if notice is published: notice date plus seven days; if notice is mailed and posted: mailing and posting date plus ten days]*** will be considered by the ***[name of RE]*** prior to authorizing submission of a request for release of funds.

ENVIRONMENTAL CERTIFICATION

The ***[name of RE]*** certifies to the Tennessee Department of Economic and Community Development that ***[name of Certifying Officer (CO)]*** in his/her capacity as ***[Official Title]*** consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The Tennessee Department of Economic and Community Development's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the ***[name of RE]*** to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

The Tennessee Department of Economic and Community Development will accept objections to its release of fund and the ***[name of RE]*** certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of ***[name of RE];*** (b) the [name of RE] has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the Tennessee Department of Economic and Community Development; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to The Tennessee Department of Economic and Community Development, Community and Rural Development, 312 Rosa L. Parks Avenue, 27th Floor, Nashville, TN 37243-1102. Potential objectors should contact Community and Rural Development to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Date:

Name of Certifying Officer:

Title of Certifying Officer:

DISTRIBUTION LIST

Tennessee Historical Commission
2941 Lebanon Road
Nashville, Tennessee 37243-0442

Heinz Mueller, Chief
Environmental Policy Section
U.S. EPA Region IV
Atlanta Federal Center, 61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Director, Federal Agency Liaison Division
Office of Federal Activities (A-104) Environmental
Protection Agency
Washington, D.C. 20460

State of Tennessee
Department of Transportation
Attn: Program Development & Administration Division
James K. Polk Building, 6th Floor
505 Deaderick Street
Nashville, Tennessee 37243-0341

William L. James
Chief, Eastern Section
Regulatory Branch
U.S. Army Corps of Engineers
3701 Bell Road
Nashville, Tennessee 37214-2660
(floodplain projects only)

William R. Straw, Ph.D.
Dept. of Homeland Security
FEMA Regional Environmental Office
3003 Chamblee Tucker Road
Atlanta, Georgia 30341-4112
(floodplain projects only)

All Required Tribal Consultations (See A-20 – A-23)

Local Development District

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

B-3

OMB No. 2506-0087
(exp. 03/31/2020)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)

11. Program Activity/Project Description

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did ☐ did not ☐ require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer
X	Date signed

Address of Certifying Officer

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
X	Date signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Previous editions are obsolete

form **HUD-7015.15** (1/99)

CLEARANCE OF LOREC NOTATIONS for P&S APPROVAL

Project Name_____

Contract Number _____

Agency, Date and Notation 1:

Response to Notation 1:

Agency, Date and Notation 2:

Response to Notation 2:

Agency, Date and Notation 3:

Response to Notation 3:

_____ _____

Signature, Title **Date**

This form must accompany Plans and Specifications sent to ECD.