

## HUD Guide to Environmental Compliance: NEPA-Related Statutes, Authorities and Requirements

### 24 CFR Part 58.5 – NEPA-Related Federal laws and authorities

Environmental Issue/Impact (Statute, Authority &/or Regulation)	Applicable Activities	Threshold for Action (Analysis/Evaluation/ Consultation)	Source Documentation (Map/On-line Listing/ Agency Contacts)	Action Required	Further Information
<p><b>1. Air Quality</b></p> <p>Clean Air Act of 1970, as amended (42 U.S.C. 7401 <i>et seq.</i>), particularly 7506 (c) &amp; (d).</p> <p>40 CFR parts 6, 51, and 93 (EPA)</p> <p>CAA of 1990, Sec. 112; 40 CFR Part 61 (NESHAP)</p> <p><a href="http://www.epa.gov/air/caa/title1.html">http://www.epa.gov/air/caa/title1.html</a></p>	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Change of land use</li> <li>▪ Demolition</li> <li>▪ Major rehabilitation</li> <li>▪ New construction</li> </ul>	<p>Project is located in an EPA-designated non-attainment area or maintenance area for one or more of six “criteria pollutants,” called National Ambient Air Quality Standards (NAAQS).</p> <p>Criteria pollutants (NAAQS): <a href="http://www.epa.gov/air/criteria.html">http://www.epa.gov/air/criteria.html</a></p>	<p>Designated non-attainment and maintenance areas are listed on EPA web site: <a href="http://www.epa.gov/oar/oaqps/greenbk/">http://www.epa.gov/oar/oaqps/greenbk/</a></p> <p>County-level air quality data: <a href="http://www.epa.gov/oar/oaqps/greenbk/multipol.html">http://www.epa.gov/oar/oaqps/greenbk/multipol.html</a></p> <p>Maps of non-attainment areas: <a href="http://www.epa.gov/oar/data/">http://www.epa.gov/oar/data/</a></p>	<p>A determination of conformity with the State Implementation Plan (SIP) is required with respect to the proposed activity and the specific pollutant for which the area was designated a non-attainment or maintenance area.</p> <p>Document that the activity does/does not require SIP compliance. Contact the MPO or EPA to determine if the proposed activity is one that requires a permit under the SIP. If yes, obtain letter of consistency showing that the project is consistent with the SIP.</p>	<p>Conformity to SIP is made by:</p> <ul style="list-style-type: none"> <li>▪ Regional or Metropolitan Planning Organization (MPO); or</li> <li>▪ EPA Regional Office.</li> </ul> <p>Status of non-attainment areas and EPA policy questions are addressed by EPA Regional Office.</p> <p>EPA Region 7 SIPs: <a href="http://www.epa.gov/region07/programs/artd/air/rules/fedaprv.htm">http://www.epa.gov/region07/programs/artd/air/rules/fedaprv.htm</a></p> <p>State and local AQ contacts: <a href="http://www.epa.gov/region7/programs/artd/air/st_local/stal.htm">http://www.epa.gov/region7/programs/artd/air/st_local/stal.htm</a></p> <p>HUD Q&amp;A: <a href="http://www.hud.gov/offices/cpd/environment/review/qa/airpollution.cfm">http://www.hud.gov/offices/cpd/environment/review/qa/airpollution.cfm</a></p>
<p><b>2. Airport Hazards (Clear Zones &amp; APZ)</b></p> <p>24 CFR Part 51-D “Siting of HUD-</p>	<ul style="list-style-type: none"> <li>▪ Acquisition for construction</li> <li>▪ Change in land use</li> <li>▪ Increase in density</li> <li>▪ Major (‘substantial’) rehabilitation</li> </ul>	<p>Project is located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway.</p>	<p>Airport clear zone and accident potential zone (APZ) maps are available from airport operations authority.</p>	<p>RCZ/CZ: New construction, major rehabilitation, and activities that significantly prolong physical or economic life of the property are prohibited.</p>	<p>Contact airport operator or nearest FAA District office.</p> <p>Airport locations: Civil NPIAS</p>

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Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields" (HUD)	<ul style="list-style-type: none"> <li>▪ New construction</li> </ul> <p>Where airport is:</p> <ul style="list-style-type: none"> <li>▪ Civil airport designated in Nat'l Plan of Integrated Airport System (NPIAS): <a href="http://www.faa.gov/airports/planning_capacity/npias/reports/">http://www.faa.gov/airports/planning_capacity/npias/reports/</a></li> <li>▪ All military air installations</li> </ul> <p>(Note: See also Clear Zone notification requirement, page 12.)</p>	HUD policy is to promote compatible land uses in RCZ/CZ/APZ.	<ul style="list-style-type: none"> <li>▪ Civil airport: The Airport Layout Plan shows the Runway Clear Zone (RCZ), [a.k.a. Runway Protection Zone].</li> <li>▪ Military airfield: The AICUZ Study shows the CZ and APZ.</li> </ul>	APZ: HUD assistance in APZ is discouraged, and project must be compatible with DOD land use guidelines for APZs.	<p><a href="http://www.faa.gov/airports/planning_capacity/npias/reports/">http://www.faa.gov/airports/planning_capacity/npias/reports/</a> and <a href="http://www.airnav.com/airports/">http://www.airnav.com/airports/</a></p> <p>Military Bases: <a href="http://www.globalsecurity.org/military/facility/conus.htm">http://www.globalsecurity.org/military/facility/conus.htm</a> and <a href="http://www.globemaster.de/bases.html">http://www.globemaster.de/bases.html</a></p> <p>HUD Q&amp;A: <a href="http://www.hud.gov/offices/cpd/environment/review/qa/airport.cfm">http://www.hud.gov/offices/cpd/environment/review/qa/airport.cfm</a></p>
<p><b>3. Coastal Zone Management</b></p> <p>Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et. seq., particularly section 1424(e)).</p>	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Change of land use</li> <li>▪ Major rehabilitation</li> <li>▪ New construction</li> </ul>	Project is located in a state having a Coastal Zone Management (CZM) Program.	CZMP maps are on NOAA (Nat'l Oceanic & Atmospheric Administration) web site: <a href="http://coastalmanagement.noaa.gov/mystate/welcome.html">http://coastalmanagement.noaa.gov/mystate/welcome.html</a>	State CZM agency (or its approved local designee) must concur with a finding (or issue permit) in evidence that project is consistent with approved State CZM plan.	<p>NOAA: <a href="http://coastalmanagement.noaa.gov/welcome.html">http://coastalmanagement.noaa.gov/welcome.html</a></p> <p>HUD Q&amp;A: <a href="http://www.hud.gov/offices/cpd/environment/review/qa/coastal.cfm">http://www.hud.gov/offices/cpd/environment/review/qa/coastal.cfm</a></p>
<p><b>4. Contamination and Toxic Substances</b></p> <p>24 CFR Part 58.5 (i) (2) (HUD).</p>	<ul style="list-style-type: none"> <li>▪ Acquisition</li> <li>▪ Conversion from non-residential to residential.</li> <li>▪ Demolition</li> <li>▪ Leasing</li> <li>▪ New construction</li> <li>▪ Rehabilitation</li> </ul>	<p>Project is located on or near site that contains hazardous materials or contaminants that could affect the health and safety of occupants or that conflict with the intended utilization of the property.</p> <p>Particular attention to be given to any site located</p>	<p>Documentation may consist of Phase I environmental site assessment* (ASTM standard E1527-05, as amended) and, if applicable, Phase II assessment.</p> <p>Additional/alternative documentation may include:</p> <ul style="list-style-type: none"> <li>▪ Site inspection(s) by knowledgeable</li> </ul>	<p>Due diligence must be exercised to ascertain the presence of contamination.</p> <p>In many cases, a Phase I environmental site assessment (ASTM standard E1527-05, as amended) must be performed.* If the Phase I assessment identifies recognized environmental</p>	<p>EPA Envirofacts Data: <a href="http://www.epa.gov/enviro/">http://www.epa.gov/enviro/</a></p> <p>EPA Toxic Release Inventory (TRI): <a href="http://www.epa.gov/enviro/html/toxic_releases.html">http://www.epa.gov/enviro/html/toxic_releases.html</a></p> <p>EPA Maps: <a href="http://www.epa.gov/emefdata/em4ef.home">http://www.epa.gov/emefdata/em4ef.home</a></p>

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		<p>on or in general proximity to landfills, dumps, industrial sites, gas stations or other locations that contain hazardous wastes or materials.</p> <p>HUD policy is to ensure that all property proposed for use in HUD programs 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.</p>	<p>professional(s).</p> <ul style="list-style-type: none"> <li>Search of EPA and other databases for sites and facilities posing real or potential contamination concerns (including NPL (Superfund), TRI, RCRA sites and facilities).</li> <li>Analysis of past uses of the site and adjacent properties as documented by Sanborn Fire Insurance Rate Maps (or equivalent historic maps).</li> </ul> <p>ASTM Phase I and Phase II protocols are available at: <a href="http://www.astm.org/cgi-bin/SoftCart.exe/index.shtml?E+mystore">http://www.astm.org/cgi-bin/SoftCart.exe/index.shtml?E+mystore</a></p> <p>Current ASTM Phase I standard (E1527-05): <a href="http://www.astm.org/cgi-bin/SoftCart.exe/DATABASE.CART/PAGES/E1527.htm?L+mystore+iweh6695+1022889987">http://www.astm.org/cgi-bin/SoftCart.exe/DATABASE.CART/PAGES/E1527.htm?L+mystore+iweh6695+1022889987</a></p> <p>NOTE: A person may purchase property with the knowledge that the property is contaminated without being held potentially liable for the cleanup of the contamination. Conducting "all appropriate inquiries" (AAI) into the previous ownership and uses of a property is one of the requirements for claiming CERCLA liability protection.</p>	<p>conditions or if the results are inconclusive, a Phase II environmental site assessment will be required.</p> <p>Based upon the Phase II results, remediation, mitigation and monitoring measures may be required.</p> <p>Such measures must be consistent with Federal, State and local laws and regulations, and must be implemented by qualified professionals.</p> <p>Specific forms of remediation are not prescribed by HUD and may vary depending on the nature of the hazard.</p>	<p>HUD Maps (select "Map Your Community"): <a href="http://egis.hud.gov/egis/">http://egis.hud.gov/egis/</a></p> <p>EPA CERCLIS/NPL – Superfund database <a href="http://www.epa.gov/superfund/sites/query/basic.htm">http://www.epa.gov/superfund/sites/query/basic.htm</a></p> <p>ATSDR "ToxFAQs" summaries about hazardous substances: <a href="http://www.atsdr.cdc.gov/toxfaqs.html">http://www.atsdr.cdc.gov/toxfaqs.html</a></p> <p>Right-To-Know Network:</p> <ul style="list-style-type: none"> <li>EPA databases, including TRI (Toxic Release Inventory); NPL &amp; CERCLIS; RCRA: <a href="http://www.rtknet.org/">http://www.rtknet.org/</a></li> </ul> <p>Scorecard.Org:</p> <ul style="list-style-type: none"> <li>Releases of toxic chemicals</li> <li>Cancer risks from hazardous air pollutants</li> <li>Superfund sites</li> <li>Facilities emitting criteria air pollutants <a href="http://www.scorecard.org/community/ej-index.tcl">http://www.scorecard.org/community/ej-index.tcl</a></li> </ul> <p>State voluntary cleanup programs:</p> <ul style="list-style-type: none"> <li>Kansas Dept. Health &amp; Environ't (KDHE) <a href="http://www.kdheks.gov/recordial/index.html">http://www.kdheks.gov/recordial/index.html</a></li> </ul>

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			<p>The federal (USEPA) standard for performing AAI was effective 11/01/06. The AAI final rule is found at 40 CFR 312.  <a href="http://www.epa.gov/swerosps/bf/aaai/index.htm">http://www.epa.gov/swerosps/bf/aaai/index.htm</a></p> <p>The ASTM E1527-05 Phase I standard is consistent and complaint with EPA's final rule for AAI and may be used to comply with the provisions of AAI.</p>		<ul style="list-style-type: none"> <li>▪ Missouri Dept. Natural Resources (DNR)  <a href="http://www.dnr.mo.gov/env/hwp/index.html">http://www.dnr.mo.gov/env/hwp/index.html</a></li> <li>▪ Nebraska Dept. Environmental Quality (NDEQ)  <a href="http://www.deq.state.ne.us/">http://www.deq.state.ne.us/</a></li> <li>▪ Iowa Dept. Natural Resources (DNR)  <a href="http://www.iowadnr.com/and/consites/index.html">http://www.iowadnr.com/and/consites/index.html</a></li> </ul> <p>FAQs about USTs:  <a href="http://www.epa.gov/swerst1/faqs/index.htm">http://www.epa.gov/swerst1/faqs/index.htm</a></p> <p>EPA Cleanup Guidance:  <a href="http://clu-in.org/">http://clu-in.org/</a></p>
<p><b>5. Endangered Species</b></p> <p>Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>), particularly section 7 (16 U.S.C. 1536)</p> <p>50 CFR Part 402 "Endangered Species Act" (DOI &amp; Commerce)</p>	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Conversion of land use</li> <li>▪ Demolition</li> <li>▪ Major rehabilitation</li> <li>▪ New construction</li> </ul>	<p>Project is likely to affect, or may affect, any Federally listed endangered or threatened species or habitat.</p>	<p>Contact the US Fish and Wildlife Service (USFWS) to determine if a listed species or habitat is present in the project action area or may be affected by the project.</p> <p>General information on listed species and habitats:  <a href="http://endangered.fws.gov/wildlife.html#Species">http://endangered.fws.gov/wildlife.html#Species</a></p> <p>USFWS Critical Habitat online mapper:  <a href="http://crithab.fws.gov/">http://crithab.fws.gov/</a></p> <p><u>Kansas</u> listed species:  <a href="http://ecos.fws.gov/tess_public/servlet/gov.doi.tess_public.servlets.RegionalLists?lead_region=6#KS">http://ecos.fws.gov/tess_public/servlet/gov.doi.tess_public.servlets.RegionalLists?lead_region=6#KS</a></p>	<p>If a listed species or habitat is present, consultation is required under Section 7 of the Endangered Species Act to determine if the proposed activity will adversely affect the subject species or habitat.</p> <p>Step-by-step consultation:  <a href="http://www.fws.gov/midwest/endangered/section7/s7process/7a2process.html">http://www.fws.gov/midwest/endangered/section7/s7process/7a2process.html</a></p> <p>When required, a biological assessment must be prepared by a qualified professional (e.g., biologist or botanist) explaining the likely effect on the species or habitat.</p>	<p>Section 7 consultation:  <a href="http://www.fws.gov/midwest/endangered/section7/index.html">http://www.fws.gov/midwest/endangered/section7/index.html</a></p> <p>U.S. Fish &amp; Wildlife Ecological Services Field offices:</p> <p><u>Kansas</u></p> <ul style="list-style-type: none"> <li>▪ 315 Houston St, Rm E; Manhattan, KS 66502-6172 (785-539-3474)</li> </ul> <p><u>Missouri</u></p> <ul style="list-style-type: none"> <li>▪ 101 Park DeVill Dr. Suite A Columbia, MO 65203-0057 (573-234-2132)</li> </ul>

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			<p>Missouri listed species:  <a href="http://mdcgis.mdc.mo.gov/heritage/">http://mdcgis.mdc.mo.gov/heritage/</a>  (USFWS &amp; state Natural Heritage Database)</p> <p>Also: Federal listings  <a href="http://midwest.fws.gov/endangered/lists/missouri-cty.html">http://midwest.fws.gov/endangered/lists/missouri-cty.html</a> and  State listings:  <a href="http://mdc.mo.gov/nathis/endangered/">http://mdc.mo.gov/nathis/endangered/</a></p> <p>Nebraska listed species:  <a href="http://ecos.fws.gov/tess_public/servlet/gov.doi.tess_public.servlets.RegionLists?lead_region=6#NE">http://ecos.fws.gov/tess_public/servlet/gov.doi.tess_public.servlets.RegionLists?lead_region=6#NE</a></p> <p>Iowa counties:  <a href="http://www.fws.gov/Midwest/Endangered/LISTS/iowa_cty.html">http://www.fws.gov/Midwest/Endangered/LISTS/iowa_cty.html</a></p>		<p>Nebraska</p> <ul style="list-style-type: none"> <li>203 West 2<sup>nd</sup> St. Second Floor Grand Island, NE 68801 (308-382-6468)</li> </ul> <p>Iowa</p> <ul style="list-style-type: none"> <li>4469 48th Ave Court Rock Island, IL 61201 (309-793-5800)</li> </ul> <p>HUD Q&amp;A:  <a href="http://www.hud.gov/offices/cpd/environment/review/ga/engangeredspecies.cfm">http://www.hud.gov/offices/cpd/environment/review/ga/engangeredspecies.cfm</a></p>
<p><b>6. Environmental Justice</b></p> <p>E.O. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"</p>	<p>Applies when an adverse impact or condition occurs with respect to an environmental issue;</p> <p><i>and,</i></p> <p>When the activity is:</p> <ul style="list-style-type: none"> <li>Acquisition</li> <li>Change of land use</li> <li>Demolition</li> <li>Major rehabilitation</li> <li>New construction</li> </ul>	<p>Project site or neighborhood suffers from adverse health or environmental effects which disproportionately impact a minority or low-income population relative to the community at large.</p> <p>The potential for new or continued adverse health or environmental effects must be considered.</p>	<p>EPA's Geographic Assessment Tool provides information relevant to EJ assessments:  <a href="http://www.epa.gov/enviro/ej/">http://www.epa.gov/enviro/ej/</a></p> <p>Census and geospatial data from local and regional planning agencies. Census data and maps also available at:  <a href="http://factfinder.census.gov/home/saf/main.html">http://factfinder.census.gov/home/saf/main.html</a>  and:  <a href="http://www.census.gov/">http://www.census.gov/</a></p> <p>Tract-level data on race &amp; income:  <a href="http://www.ffiec.gov/geocode/default.htm">http://www.ffiec.gov/geocode/default.htm</a></p>	<p>Perform an EJ analysis using census, geographic and other data to determine if a low-income/minority population is disproportionately impacted.</p> <p>If susceptible populations are impacted:</p> <ul style="list-style-type: none"> <li>Mitigation or avoidance of adverse impacts must be considered to the extent practicable; and,</li> <li>Public participation processes must involve the affected population(s) in the decision-making process.</li> </ul>	<p>EJ maps &amp; analysis, by location:  <a href="http://www.scorecard.org/community/ej-index.tcl">http://www.scorecard.org/community/ej-index.tcl</a></p> <p>EPA Maps:  <a href="http://www.epa.gov/compliance/environmentaljustice/assessment.html">http://www.epa.gov/compliance/environmentaljustice/assessment.html</a></p> <p>CEQ guide to NEPA &amp; EJ  <a href="http://www.epa.gov/compliance/resources/policies/ei/ej_guidance_nepa_ceq1297.pdf">http://www.epa.gov/compliance/resources/policies/ei/ej_guidance_nepa_ceq1297.pdf</a></p> <p>Human Health &amp; Toxicology:</p> <ul style="list-style-type: none"> <li>CDC (NIOSH)  <a href="http://www.cdc.gov/niosh/topics/chemical.html">http://www.cdc.gov/niosh/topics/chemical.html</a></li> <li>ATSDR  <a href="http://www.atsdr.cdc.gov/">http://www.atsdr.cdc.gov/</a></li> <li>EPA (IRIS)  <a href="http://cfpub.epa.gov/ncea/iris/">http://cfpub.epa.gov/ncea/iris/</a></li> </ul>

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					<a href="#">index.cfm</a>  HUD Q&A: <a href="http://www.hud.gov/offices/cpd/environment/review/qa/environmentaljustice.cfm">http://www.hud.gov/offices/cpd/environment/review/qa/environmentaljustice.cfm</a>
<b>7. Explosive and Flammable Operations</b>  Housing and Community Development Act of 1974, as amended. 24 CFR Part 51 Subpart C "Siting of HUD-Assisted Projects Near Hazardous Operations Handling Petroleum Products or Chemicals of an Explosive or Flammable Nature" (HUD)	Residential project when the activity is: <ul style="list-style-type: none"> <li>▪ New construction</li> <li>▪ Rehabilitation, where unit density increased</li> <li>▪ Conversion of land use from non-residential to residential use</li> <li>▪ Vacant building made habitable</li> </ul> or Any project for industrial, commercial, institutional, or recreational use when the activity is: <ul style="list-style-type: none"> <li>▪ New construction</li> <li>▪ Conversion of land use</li> </ul>	Project is located within sight of or in proximity to a stationary hazardous facility that stores, handles or processes chemicals or petrochemicals of an explosive or flammable nature, such as liquid propane, gasoline or other above-ground storage tanks.  Mobile tanks, (including railroad cars), buried tanks, residential tanks for 1-4 unit housing, and tanks with less than 100-gallon capacity and having common fuels are excluded.	Site inspection, aerial photo analysis and/or contact local fire protection or emergency management agencies as to presence of hazardous industrial operations in vicinity of project.  Contact local operator of such facility to determine the type and volume of fuels and chemicals of an explosive or flammable nature.	Calculate the acceptable separation distance (ASD) per guidebook HUD-1060-CPD (1996), "Siting of HUD-Assisted Projects Near Hazardous Facilities," and apply appropriate mitigation measures or reject the site.  Electronic calculator of ASD: <a href="http://www.hud.gov/offices/cpd/environment/asdcalculator.cfm">http://www.hud.gov/offices/cpd/environment/asdcalculator.cfm</a>  Mitigation may include construction of a barrier of adequate size and strength to protect the building and occupants.	Contact HUD Field Environmental Officer for tanks having over 1 million-gallon capacity.  HUD explosive/flammable hazard guidebook: <a href="http://www.hud.gov/offices/cpd/environment/training/guidebooks/hazfacilities/">http://www.hud.gov/offices/cpd/environment/training/guidebooks/hazfacilities/</a>  HUD Q&A: <a href="http://www.hud.gov/offices/cpd/environment/review/explosive.cfm">http://www.hud.gov/offices/cpd/environment/review/explosive.cfm</a> and <a href="http://www.hud.gov/offices/cpd/environment/review/qa/hazardfacilities.cfm">http://www.hud.gov/offices/cpd/environment/review/qa/hazardfacilities.cfm</a>
<b>8. Farmland Protection</b>  Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 <i>et seq.</i> ), particularly sections 1504(b) & 1541  7 CFR Part 658, "Farmland Protection Policy" (USDA)	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Conversion of undeveloped land</li> <li>▪ New construction</li> <li>▪ Site clearance</li> </ul>	Project is located in area that includes prime farmland, unique farmland, or land of statewide or local importance. Can include forest land, pastureland or cropland, but not water or urbanized land. Urban land is exempt if the land is "already in" or "committed" to urban development per 7 CFR 685.2(a).	NRCS soil maps (95% of nation's counties): <a href="http://websoilsurvey.nrcs.usda.gov/app/">http://websoilsurvey.nrcs.usda.gov/app/</a>  Alternatively, contact local Natural Resources Conservation Service (NRCS) office to determine the potential presence of protected farmland.	Site assessment by NRCS is required to determine impact of the farmland conversion. Form #AD-1006 rates 12 criteria. Sponsor must submit form to NRCS, which has 45 days to make a determination.  Form AD-1006 and instructions: <a href="http://www.nrcs.usda.gov/programs/fppa/pdf_files/AD_1026_Instruct.pdf">http://www.nrcs.usda.gov/programs/fppa/pdf_files/AD_1026_Instruct.pdf</a>	County offices for Natural Resources Conservation Services (NRCS) listed at: <a href="http://offices.sc.egov.usda.gov/locator/app">http://offices.sc.egov.usda.gov/locator/app</a>  NRCS and FPPA: <a href="http://www.nrcs.usda.gov/programs/fppa/">http://www.nrcs.usda.gov/programs/fppa/</a>  HUD Q&A: <a href="http://www.hud.gov/offices/cpd/environment/review/qa/farm">http://www.hud.gov/offices/cpd/environment/review/qa/farm</a>

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<p><b>9. Floodplain Management</b></p> <p>E.O. 11988, "Floodplain Management", particularly section 2(a).</p> <p>24 CFR Part 55 "Floodplain Management" (HUD)</p>	<ul style="list-style-type: none"> <li>▪ Acquisition for construction or for existing bldg &gt;4 units</li> <li>▪ Disposition &gt;4 units</li> <li>▪ Financing &gt;4 units</li> <li>▪ Leasing &gt;4 units</li> <li>▪ New construction</li> <li>▪ Substantial Rehabilitation &gt;4 units housing (rehab cost &gt;50% pre-rehab value or &gt;20% density increase)</li> </ul>	<p>Project is located within a Special Flood Hazard Area (100-year floodplain), or, if a critical action (e.g., nursing home; hospital; fire station) is located in a 500-year floodplain.</p>	<p>FEMA Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Map (FHBM).</p> <p>FIRMETTE maps, which cover small areas (approx. 1 sq. mile), can be obtained at no charge on-line: <a href="http://www.store.msc.fema.gov">http://www.store.msc.fema.gov</a></p> <p>For unmapped areas, FEMA Community Status Book can provide information on flood hazards: <a href="http://www.fema.gov/fema/csb.shtm">www.fema.gov/fema/csb.shtm</a></p>	<p>Avoid direct or indirect support of floodplain development wherever there is a practicable alternative.</p> <p>Approval of project requires compliance with the decision-making provisions of §55.20, i.e., the "eight-step" process.</p> <p>Project may be approved only if there is no practicable alternative outside the floodplain. Project must apply appropriate mitigation.</p>	<p><a href="http://landprotection.cfm">landprotection.cfm</a></p> <p>FEMA: <a href="http://www.fema.gov/business/nfip/fmapinfo.shtm">http://www.fema.gov/business/nfip/fmapinfo.shtm</a></p> <p>State Floodplain Managers: <a href="http://www.floods.org/StatePOCs/map.asp">http://www.floods.org/StatePOCs/map.asp</a></p> <p>HUD Q&amp;A: <a href="http://www.hud.gov/offices/cpd/environmental/review/floodplain.cfm">http://www.hud.gov/offices/cpd/environmental/review/floodplain.cfm</a></p>
<p><b>10. Historic Preservation</b></p> <p>National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), particularly sections 106 &amp; 110.</p> <p>36 CFR Part 800 "Protection of Historic Properties" (ACHP)</p>	<p>Any undertaking having the potential to cause effect, such as:</p> <ul style="list-style-type: none"> <li>▪ Acquisition</li> <li>▪ Demolition</li> <li>▪ Disposition</li> <li>▪ Ground disturbance</li> <li>▪ New construction</li> <li>▪ Rehabilitation</li> </ul>	<p>Project's area of potential effects [see §800.16(d)] contains:</p> <ul style="list-style-type: none"> <li>▪ A property listed in, or eligible for listing in, the National Register of Historic Places; or,</li> <li>▪ An historic district listed in, or eligible for listing in, the National Register of Historic Places; or,</li> <li>▪ Compelling evidence of the high probability of archeological resources eligible for listing in the National Register of Historic Places.</li> </ul> <p>National Register Eligibility</p>	<p>Information on historic resources available from National, State, Tribal and local registers/sources:</p> <ul style="list-style-type: none"> <li>▪ National Register <a href="http://www.nr.nps.gov/">http://www.nr.nps.gov/</a></li> <li>▪ State Historic Preservation Office (SHPO) <a href="http://ncshpo.org">http://ncshpo.org</a></li> <li>▪ Tribal Historic Preservation Office (THPO) <a href="http://www.nathpo.org">http://www.nathpo.org</a></li> <li>▪ Certified Local Government (CLG) preservation staff.</li> </ul>	<p>Afford the Advisory Council on Historic Preservation a reasonable opportunity to comment, consistent with the procedures of 36 CFR Part 800 implementing the Section 106 process. Consultation with the SHPO is required. Consultation with THPO and interested parties and public participation may be required.</p> <p>The Section 106 process includes initiation of the process [§800.3], identification of historic properties [§800.4], assessment of adverse effects [§800.5], and resolution of adverse effects [§800.6].</p>	<p>Advisory Council: <a href="http://www.achp.gov">http://www.achp.gov</a></p> <p>State Historic Preservation Officers (SHPOs): <a href="http://www.ncshpo.org">http://www.ncshpo.org</a></p> <p>Tribal Historic Preservation Officers (THPOs): <a href="http://www.nathpo.org">http://www.nathpo.org</a></p> <p>Federally-recognized Indian tribes: <a href="http://home.nps.gov/nacd/">http://home.nps.gov/nacd/</a></p> <p>National Register database: <a href="http://www.nr.nps.gov/">http://www.nr.nps.gov/</a></p> <p>National Register: <a href="http://www.cr.nps.gov/nr/index.htm">http://www.cr.nps.gov/nr/index.htm</a></p>

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		Criteria: <a href="http://www.achp.gov/nrcriteria.htm">http://www.achp.gov/nrcriteria.htm</a> ↓ HUD tribal database: <a href="http://www.hud.gov/offices/cpd/environment/tribal/">www.hud.gov/offices/cpd/environment/tribal/</a>		A Memorandum of Agreement (MOA) stipulates how adverse effects will be resolved. Guidance on writing MOAs: <a href="http://www.npi.org/tools.html">http://www.npi.org/tools.html</a>  HUD database of Section 106 agreements (MOA & PA): <a href="http://www.hud.gov/offices/cpd/environment/section106/index.cfm">http://www.hud.gov/offices/cpd/environment/section106/index.cfm</a>	Preservation staff of a CLG (Certified Local Govern't) – local contact.  NPS technical info: <a href="http://www.cr.nps.gov/hps/tps/index.htm">http://www.cr.nps.gov/hps/tps/index.htm</a>  Other resource links: <a href="http://www.nal.usda.gov/ric/ricpubs/preserve.html">http://www.nal.usda.gov/ric/ricpubs/preserve.html</a>  HUD Q&A: <a href="http://www.hud.gov/offices/cpd/environment/review/qa/historicproperties.cfm">http://www.hud.gov/offices/cpd/environment/review/qa/historicproperties.cfm</a>

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<p><b>11. Noise Abatement &amp; Control</b></p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978.</p> <p>24 CFR Part 51 Subpart B "Noise Abatement and Control" (HUD)</p>	<p>Residential and other noise-sensitive developments (e.g., hospitals, nursing homes, day care, community center, etc.)</p> <p>Required:</p> <ul style="list-style-type: none"> <li>▪ Acquisition for residential or noise-sensitive use</li> <li>▪ Conversion of land use from non-residential to residential</li> <li>▪ New construction</li> </ul> <p>Encouraged:</p> <ul style="list-style-type: none"> <li>▪ Rehabilitation</li> </ul>	<p>Project is located within:</p> <ul style="list-style-type: none"> <li>▪ 1,000 feet of major/busy road,</li> <li>▪ 3,000 feet of railway,</li> <li>▪ 15 miles of airport (civil or military).</li> </ul> <p>HUD interior noise goal is 45 decibels (DNL) or lower.</p> <p>HUD exterior noise goal is 55 decibels (DNL) or lower, although 65 DNL is considered acceptable.</p>	<p>Noise assessment data sources include: local or state highway departments; local or regional planning departments; public works departments; railroad dispatch offices; and airport operators.</p> <p>Airport noise contour maps are shown on Airport Layout Plan (civil airport) or AICUZ Study (military airfield).</p> <p>Civil airports subject to HUD noise requirements are those designated in the FAA's "National Plan of Integrated Airport System" (NPIAS):</p> <p><a href="http://www.faa.gov/airports/planning_capacity/npias/reports/">http://www.faa.gov/airports/planning_capacity/npias/reports/</a></p> <ul style="list-style-type: none"> <li>• Both Commercial Service (CS) and Primary (P) airports have noise contours maps available</li> <li>• General Aviation (GA) airports with less than 9000 enplanements may be assumed to not present a community noise concern; otherwise, consult airport operator</li> </ul>	<p>Perform noise assessment in accordance with the Noise Assessment Guidelines (NAG) in guidebook HUD-953-CPD(1). For airports, use the airport's noise contour maps to determine noise levels (the contour lines are expressed in DNL noise levels).</p> <p>Noise level calculator: <a href="http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm">http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm</a></p> <p>Projected noise levels:</p> <ul style="list-style-type: none"> <li>▪ 65-75 DNL – "Normally Unacceptable;" requires mitigation or attenuation.</li> <li>▪ &gt;75 DNL "Unacceptable;" requires rejection in most cases.</li> </ul> <p>Noise barrier calculator: <a href="http://www.hud.gov/offices/cpd/environment/mitigation.cfm">http://www.hud.gov/offices/cpd/environment/mitigation.cfm</a></p>	<p>Traffic volumes - Road:</p> <p><b>Iowa</b> <a href="http://www.iowadotmaps.com/msp/traffic/index.html">http://www.iowadotmaps.com/msp/traffic/index.html</a></p> <p><b>Kansas</b> <a href="http://www.ksdot.org/burTransPlan/prodinfo/trafdata.asp">http://www.ksdot.org/burTransPlan/prodinfo/trafdata.asp</a></p> <p><b>Missouri</b> <a href="http://www.modot.mo.gov/safety/traffic/volumemaps.htm">http://www.modot.mo.gov/safety/traffic/volumemaps.htm</a></p> <p><b>Nebraska</b> <a href="http://www.nebraskatransportation.org/maps/#traffvol">http://www.nebraskatransportation.org/maps/#traffvol</a></p> <p>Rail information:</p> <p>Fed Rail Admin crossing inventory <a href="http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/xingqryloc.aspx">http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/xingqryloc.aspx</a></p> <p><b>Iowa</b> <a href="http://www.iowadotmaps.com/msp/pdf/Rail_Base.pdf">http://www.iowadotmaps.com/msp/pdf/Rail_Base.pdf</a></p> <p><b>Kansas</b> <a href="http://www.ksdot.org/burRail/rail/de/fault.asp">http://www.ksdot.org/burRail/rail/de/fault.asp</a></p> <p><b>Missouri</b> N/A</p> <p><b>Nebraska</b> <a href="http://www.nebraskatransportation.org/rpi/rail.htm">http://www.nebraskatransportation.org/rpi/rail.htm</a></p> <p>Barrier guidance (FHWA): <a href="http://www.fhwa.dot.gov/environment/keepdown.htm">http://www.fhwa.dot.gov/environment/keepdown.htm</a></p> <p>HUD noise guidebook: <a href="http://www.hud.gov/offices/cpd/environment/review/noise.cfm">http://www.hud.gov/offices/cpd/environment/review/noise.cfm</a></p>

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<p><b>12. Water Quality (Sole Source Aquifers)</b></p> <p>Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) <i>et seq.</i>, and 21 U.S.C. 349), particularly section 1424(e)</p> <p>40 CFR Part 149 "Sole Source Aquifers" (EPA)</p>	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Change of land use</li> <li>▪ New construction</li> </ul>	<p>Project is located within area of an EPA-designated sole source aquifer, unless project utilizes municipal water and sewer and has appropriate local drainage.</p>	<p>Designated sole source aquifers are listed on EPA web site:  <a href="http://www.epa.gov/safewater/sourcewater/pubs/grg_ssamap_reg7.pdf">http://www.epa.gov/safewater/sourcewater/pubs/grg_ssamap_reg7.pdf</a></p>	<p>Review of project by Regional EPA Office of Ground Water is required if activity is of a type and size specified in an agreement between EPA and HUD.</p> <p>Project may require memorandum of understanding (MOU) with EPA describing compliance to be followed.</p>	<p>EPA:  <a href="http://www.epa.gov/safewater/ssanp.html">http://www.epa.gov/safewater/ssanp.html</a></p> <p>EPA &amp; state - source water protection contacts:  <a href="http://cfpub.epa.gov/safewater/sourcewater/sourcewater.cfm?action=Contacts">http://cfpub.epa.gov/safewater/sourcewater/sourcewater.cfm?action=Contacts</a></p> <p>EPA – TDML maps:  <a href="http://www.epa.gov/OWOW/tmdl/index.html">http://www.epa.gov/OWOW/tmdl/index.html</a></p> <p>EPA – Septic Systems:  <a href="http://cfpub.epa.gov/safewater/sourcewater/sourcewater.cfm?action=Septic">http://cfpub.epa.gov/safewater/sourcewater/sourcewater.cfm?action=Septic</a></p> <p>HUD Q&amp;A:  <a href="http://www.hud.gov/offices/cpd/environment/review/qa/aquifer.cfm">http://www.hud.gov/offices/cpd/environment/review/qa/aquifer.cfm</a></p>
<p><b>13. Wetland Protection</b></p> <p>E.O. 11990, "Protection of Wetlands," particularly sections 2 &amp; 5.</p> <p>Draft 24 CFR Part 55 "Floodplain Management" (42 FR 26961 – 5/25/97)</p>	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Change of land use</li> <li>▪ New construction</li> <li>▪ Expansion of bldg footprint</li> </ul>	<p>Project is located within, or has impact upon, a wetland.</p>	<p>National Wetlands Inventory maps are listed on FWS site:  <a href="http://www.fws.gov/wetlands/data/index.html">http://www.fws.gov/wetlands/data/index.html</a></p> <p>NWI maps are useful as a preliminary screen. Where site inspection or other information indicates potential for a wetland, delineation of a wetland by a qualified professional should occur.</p> <p>For wetlands delineations, contact USACOE, USFWS, USDA- NRCS, USEPA and/or private consultants.</p>	<p>Avoid adverse impacts upon wetlands and direct or indirect support of new construction in wetlands wherever there is practicable alternative.</p> <p>Approval of project requires compliance with the decision-making provisions of §55.20, i.e., the "eight-step" process. Project may be approved only if there is no practicable alternative outside the wetland.</p>	<p>U.S. Army Corp of Engineers:  <a href="http://www.usace.army.mil/CEW/Pages/reg_faq.aspx">http://www.usace.army.mil/CEW/Pages/reg_faq.aspx</a>  and  <a href="http://www.usace.army.mil/CEW/Pages/cecwo_reg.aspx">http://www.usace.army.mil/CEW/Pages/cecwo_reg.aspx</a></p> <p>U.S. Fish and Wildlife Service:  <a href="http://wetlands.fws.gov/">http://wetlands.fws.gov/</a></p> <p>EPA:  <a href="http://www.epa.gov/owow/wetlands/">http://www.epa.gov/owow/wetlands/</a></p> <p>HUD Q&amp;A:  <a href="http://www.hud.gov/offices/cpd/environment/review/floodplain.cfm">http://www.hud.gov/offices/cpd/environment/review/floodplain.cfm</a></p>

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<p><b>14. Wild &amp; Scenic Rivers</b></p> <p>Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 <i>et seq.</i>), particularly sections 5(d), 7(a), 7(b) &amp; (c).</p> <p>36 CFR Part 297 "Wild and Scenic Rivers" (USDA)</p>	<ul style="list-style-type: none"> <li>▪ Acquisition of undeveloped land</li> <li>▪ Change of land use</li> <li>▪ Major rehabilitation</li> <li>▪ New construction</li> </ul>	<p>Project is located within one (1) mile of a designated Wild &amp; Scenic River, or river being studied as a potential component of the Wild &amp; Scenic River system.</p> <p>Project is located upstream, downstream, or on a tributary of river that is designated, studied or has potential for listing on the system.</p> <p>Protected rivers are: Designated, Study and National River Inventory (NRI) rivers. NRI rivers may be eligible for listing as a Wild &amp; Scenic River.</p>	<p>Designated wild and scenic rivers are listed on the National Park Service: <a href="http://www.rivers.gov/wildriverslist.html">http://www.rivers.gov/wildriverslist.html</a></p> <p>GIS shape files (maps) can also be downloaded from this site.</p> <p>Study Rivers (potential wild and scenic rivers): <a href="http://www.rivers.gov/study.html">http://www.rivers.gov/study.html</a></p> <p>National River Inventory (NRI) listed rivers: <a href="http://www.nps.gov/ncrc/programs/rtca/nri/">http://www.nps.gov/ncrc/programs/rtca/nri/</a></p>	<p>For a Designated River or Study River, determination from the National Park Service (NPS) must be obtained, with finding that the project will not have a direct and adverse effect on the river nor invade or diminish values associated with such rivers.</p> <p>For NRI rivers, consultation with NPS is recommended to identify and eliminate direct and adverse effects.</p>	<p>National Park Service: <a href="http://www.nps.gov/rivers/">http://www.nps.gov/rivers/</a> and <a href="http://www.nps.gov/ncrc/programs/rtca/nri/auth.html">http://www.nps.gov/ncrc/programs/rtca/nri/auth.html</a></p> <p>NEPA /CEQ Guidance: <a href="http://www.nps.gov/ncrc/programs/rtca/nri/hist.html">http://www.nps.gov/ncrc/programs/rtca/nri/hist.html</a></p> <p>Publications: <a href="http://www.rivers.gov/publications.html#guidelines">http://www.rivers.gov/publications.html#guidelines</a></p>

**24 CFR Part 58.6 – Other Requirements**

<p><b>1. Airport Clear Zones</b></p> <p>24 CFR Part 51 Subpart D "Siting of HUD-Assisted Projects in Clear Zones and Accident Potential Zones" (HUD)</p>	<ul style="list-style-type: none"> <li>▪ Purchase or sale of real property</li> </ul>	<p>Project is located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway.</p>	<p>Airport clear zone maps available from airport operations authority.</p>	<p>Purchase or sale of a property in a CZ requires notification to buyer per 24 CFR Part 58.6(d).</p> <p>The notice informs the prospective buyer of potential hazards from airplane accidents and the potential by airport or airfield operators who may wish to purchase the property at some point in the future.</p>	<p>Contact airport operator or nearest FAA District office.</p> <p>Sample notice and HUD Q&amp;A: <a href="http://www.hud.gov/offices/cpd/environment/review/qa/airport.cfm">http://www.hud.gov/offices/cpd/environment/review/qa/airport.cfm</a></p>
<p><b>2. Coastal Barriers</b></p>	<ul style="list-style-type: none"> <li>▪ All activities having a physical impact</li> </ul>	<p>Project is located in a community listed in the</p>	<p>CBRS maps on FEMA web site:</p>	<p>Federal funding is prohibited for projects located within a</p>	<p>FEMA: <a href="http://www.fema.gov/pdf/nfip/manual200505/18cbrs.pdf">http://www.fema.gov/pdf/nfip/manual200505/18cbrs.pdf</a></p>

**Important:** (1) Information contained herein is for general guidance only. Applicable authorities and regulations take precedence over guidance material and should be consulted as necessary to achieve full compliance. (2) HUD cannot attest to the accuracy of information provided by web sites external to HUD, and access to these sites does not constitute an endorsement by HUD, or any of its employees, of the sponsors of the site or the products presented on the site. (3) Contact the HUD Environmental Officer in your area [[www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm](http://www.hud.gov/offices/cpd/environment/contact/localcontacts/index.cfm)] for information or assistance related to compliance with HUD environmental requirements. **MOHR\_HUD\_REG-VII\_3.30.10\_v9**

Environmental Issue/Impact (Statute, Authority &/or Regulation)	Applicable Activities	Threshold for Action (Analysis/Evaluation/ Consultation)	Source Documentation (Map/On-line Listing/ Agency Contacts)	Action Required	Further Information
Coastal Barrier Resources Act, as amended (16 U.S.C. 3501)		Coastal Barrier Resources System (CBRS).	<a href="http://coastalmanagement.noaa.gov/mystate/welcome.html">http://coastalmanagement.noaa.gov/mystate/welcome.html</a>  Coastal barriers also displayed on FEMA Flood Insurance Rate Maps (FIRM).	designated coastal barrier.	HUD Q&A: <a href="http://www.hud.gov/offices/cpd/environment/review/qa/coastal.cfm">http://www.hud.gov/offices/cpd/environment/review/qa/coastal.cfm</a>
<b>3. Flood Insurance</b>  Federal Disaster Protection Act of 1973, as amended. National Flood Insurance Reform Act of 1994 (42 U.S.C. sec 4001f)  44 CFR Parts 59-77 "Regulations of the National Flood Insurance Program" (FEMA)	All HUD programs that provide assistance to buildings.  <u>Exceptions:</u> <ul style="list-style-type: none"> <li>▪ Leasing without rehab, acquisition or improvements</li> <li>▪ Loans &lt; \$5,000 repaid within 1 year</li> <li>▪ Maintenance</li> <li>▪ State-administered formula grants (i.e., CDBG, HOME &amp; ESG programs)</li> </ul> <u>Inapplicable:</u> <ul style="list-style-type: none"> <li>▪ Improvements or repairs costing less than the deductible of a standard flood insurance policy on a building (current FEMA deductible is \$500).</li> </ul>	Project is located within Special Flood Hazard Area (SFHA) is the 100-year floodplain).	FEMA Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM).  FIRMETTE maps, which cover small areas (approx. 1 sq. mile), can be obtained at no charge on-line: <a href="http://www.store.msc.fema.gov">http://www.store.msc.fema.gov</a>	Property owner must purchase and maintain flood insurance protection.  Coverage is limited to the building and improvements only. No coverage is available for land.  Coverage requirements: <ul style="list-style-type: none"> <li>▪ Grants – Term is for life of the building, regardless of transfer of ownership; and coverage amount is equal to total project cost (up to maximum coverage limit).</li> <li>▪ Loans – Term equal to that of the loan; coverage amount equal to that of the loan (up to maximum coverage limit).</li> </ul>	FEMA "Mandatory Purchase of Flood Insurance" Guidelines: <a href="http://www.fema.gov/library/viewRecord.do?id=2954">http://www.fema.gov/library/viewRecord.do?id=2954</a>  FEMA Nat'l Flood Insurance Program (NFIP): <a href="http://www.fema.gov/business/nfip/index.shtml">http://www.fema.gov/business/nfip/index.shtml</a> and FEMA "FloodSmart": <a href="http://www.floodsmart.gov/floodsmart/pages/index.jsp">http://www.floodsmart.gov/floodsmart/pages/index.jsp</a>  Community status of participation in National Flood Insurance Program: <a href="http://www.fema.gov/fema/csb.shtml">www.fema.gov/fema/csb.shtml</a>  HUD Q&A: <a href="http://www.hud.gov/offices/cpd/environment/review/qa/floodinsurance.cfm">http://www.hud.gov/offices/cpd/environment/review/qa/floodinsurance.cfm</a>  <a href="http://www.hud.gov/offices/cpd/environment/review/qa/floodplainmgmt.cfm">http://www.hud.gov/offices/cpd/environment/review/qa/floodplainmgmt.cfm</a>

ATEC – HUD Assessment Tools for Environmental Compliance: <http://www.hud.gov/offices/cpd/environment/atec.cfm>  
 Glossary of Environmental Terms: [www.epa.gov/OCEPAterms](http://www.epa.gov/OCEPAterms)

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