



Emergency Solutions Grants Program Environmental Overview

**Texas Department of Housing
and Community Affairs**

August 24, 2012

Presentation Overview

- Background
- Why conduct an environmental review?
- Which environmental requirements apply to ESG?
- Environmental clearance for ESG activities
- Environmental terms and definitions
- Levels of environmental review by ESG activity
- Required process for conducting the different levels of environmental review
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Background

- The National Environmental Policy Act (NEPA) of 1969 was enacted by Congress to ensure that federal agencies consider and address environmental impacts resulting from the activities and projects they sponsor
- Congress subsequently enacted a series of statutes dealing with specific environmental issues
- The U.S. Department of Housing and Urban Development (HUD) developed its own set of regulations that implement NEPA and additional environmental statutes
- All HUD federally-assisted projects are subject to environmental review requirements and documentation

Which Environmental Requirements Apply to ESG?

- All Federal Programs are required to provide guidance on meeting NEPA requirements. To comply with environmental requirements, HUD has both 24 CFR Part 50 (HUD) and 24 CFR Part 58
- The ESG Interim Rule required using 24 CFR Part 50 to comply with environmental requirements and guidance was initially issued by HUD using 24 CFR Part 50
- **However, after the passage of legislation on July 5, 2012 that corrects certain provisions of the HEARTH Act, 24 CFR Part 58 must be followed by all ESG subrecipients to comply with environmental requirements**

Environmental Clearance for ESG Activities

All ESG activities require some level of environmental review & clearance

- Subrecipients, or any contractor of the subrecipient, **may not** commit or expend **any** ESG funds until an environmental review that meets the standards outlined in 24 CFR Part 58 has been reviewed and approved by TDHCA
- Based on the level of review, some activities may be environmentally cleared quickly, and the funds budgeted for those activities can be then expended after clearance
- Other eligible activities will require a more in depth review and will require more time to obtain clearance. Subrecipients cannot expend any ESG funds or any matching funds on these activities until the Department has cleared these activities

The background of the slide features a soft-focus image of a house on the left and a person in the center, overlaid with a textured, golden-yellow pattern.

Environmental Terminology;

Are we speaking the same language?

- The environmental regulations use terminology that is also utilized in program regulations for programs such as CDBG, ESG and HOME
- However, the meanings of these same terms in the “*environmental world*” can have very different meanings

Terms & Definitions - §58.2

- **Activity** - an action that a grantee or recipient puts forth as a part of an assisted project, regardless of whether its cost is to be borne by the HUD assistance, or is an eligible expense under the HUD assistance program.
Example: Housing rehabilitation & tenant based rental assistance
- **Project** – an activity or group of activities
- **Proposal** – The means to accomplish a goal. Similar to project and applies to environmental assessments and environmental impact statements (40 CFR 1508.23)
- **Environmental Review** – review of a project

Terms & Definitions - §58.2

- **Recipient or Sub-recipient** – entity receiving assistance from HUD/State
- **Responsible Entity (RE)** – State, Indian tribe, or unit of general local government
- **Certifying Officer** – responsible agency official
- **Environmental Review Record (ERR)** – written record of review, decision-making & action

Terms & Definitions - §58.2

- **Publish** – To publish required notices in a newspaper of general circulation that serves the project area
- **Post** – to physically post the required notices with a unit of local government (City/County). Number of locations depends on the size of the area to be reviewed and the size/population of the entity

Levels of Environmental Review

- Exempt 24 CFR 58.34
- Categorically Excluded
 - Not Subject to 58.5
 - Subject to 58.5
- Environmental Assessment
- Environmental Impact Statement

Level of Environmental Review Required for Each Program Activity

- Download the “*Guide on Level of Environmental Review Required for ESG Activities*” from TDHCA’s ESG Program Guidance Page <http://www.tdhca.state.tx.us/community-affairs/esgp/guidance-solutions.htm>

Overview of Environmental Review Levels

1. **An Environmental Assessment is require for:**

- ❖ Rehabilitation that exceeds 75% of replacement cost
- ❖ A change in use of the land or building

2. **The following activities are considered Categorically Excluded Subject to 58.5:**

- ❖ Minor Repairs
- ❖ Leasing of new office space or renewal of new office space
- ❖ Rehabilitation
- ❖ Rehabilitation and new construction in units set aside for project-based rental assistance

Environmental Review Levels Overview (cont.)

3. All other ESG activities **that are not** mentioned on the previous slide are either considered Categorically Excluded Not Subject to 58.5 or Exempt

(Refer to the “*Guide on Level of Environmental Review Required for ESG Activities*” available at <http://www.tdhca.state.tx.us/community-affairs/esgp/guidance-solutions.htm> for a list of activities considered Categorically Excluded Not Subject to 58.8 or Exempt).

Timelines to Conduct Environmental Reviews

Level of Review	Time to complete Review	Publication Required? Impact on Time Table
Exempt	30 minutes	No, None
Categorically Excluded not subject to 58.5	30 minutes	No, None
Categorically Excluded subject to 58.5 <u>converts to Exempt*</u>	2 weeks to 30 days	No, None
Categorically Excluded subject to 58.5	2 weeks to 30 days	Yes, adds 24 days because of comment periods
Environmental Assessment	2 weeks to 45 days	Yes, adds 33 days because of comment periods

*Can only be utilized when there are no circumstances that trigger further review such as floodplain.

Required Process for Exempt Activities

- **Step 1:** Complete two forms:
 1. Certification of Exemption for HUD funded programs
 2. Compliance Documentation Checklist

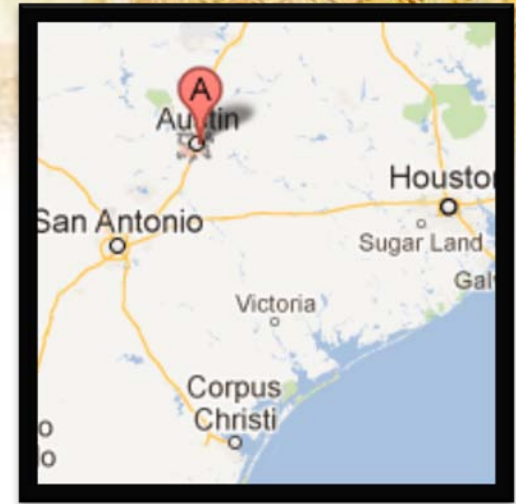
Forms are available at:

<http://www.tdhca.state.tx.us/program-services/environmental/docs.htm>

- **Step 2:** Print a Map showing proximity to Coast
(see next slide for details)
- **Step 3:** Email forms to TDHCA Environmental Specialist at environmental@tdhca.state.tx.us

MAPS

- If the service area (city or county) to be served by the Subrecipient with ESG funds is not near the coast line, a map from sites as Google or Yahoo are an option for documentation
- If the service area of the Subrecipient is closer to the coastline, a map through the following link is more appropriate:
<http://koordinates.com/layer/811-texas-coastal-barrier-resource-system-1994/>



Required Process for Activities Categorically Excluded Not Subject to 58.5

- **Step 1:** Complete two forms:
 1. Certification of Categorical Exclusion Not Subject to 58.5
 2. Compliance Documentation Checklist

Forms are available at:

<http://www.tdhca.state.tx.us/program-services/environmental/docs.htm>

- **Step 2:** Print a Map showing proximity to Coast
- **Step 3:** Email forms to TDHCA at environmental@tdhca.state.tx.us

Required Process for Activities Categorically Excluded Subject to 58.5

- **Step 1:** Attend webinar by TDHCA Environmental Specialist scheduled on August 30, 2012. Register for the Webinar at:
<https://www2.gotomeeting.com/register/672569530>
- **Step 2:** Complete three forms:
 1. Certification of Categorical Exclusion Subject to 58.5
 2. Compliance Documentation Checklist
 3. Statutory Checklist for Categorically excluded projects

Forms are available at:

<http://www.tdhca.state.tx.us/program-services/environmental/docs.htm>

- **Step 3:** Attend Follow-up webinar scheduled on 9/18/2012 to discuss questions
- **Step 3:** Email forms to TDHCA at
environmental@tdhca.state.tx.us

Required Process for Activities subject to an Environmental Assessment

- **Step 1:** Attend webinar by TDHCA Environmental Specialist scheduled on August 30, 2012. Register for the Webinar at:
<https://www2.gotomeeting.com/register/672569530>

- **Step 2:** Complete three forms:
 1. Compliance Documentation Checklist
 2. Statutory Checklist
 3. Environmental Assessment Checklist

Forms are available at:

<http://www.tdhca.state.tx.us/program-services/environmental/docs.htm>

- **Step 3:** Attend Follow-up webinar scheduled on 9/18/2012 to discuss questions.
- **Step 4:** Email forms to TDHCA Environmental Specialist at environmental@tdhca.state.tx.us



Project Aggregation?

- Subrecipients must group together and **evaluate as a single project** all individual activities which are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions
- Collaboratives must consider their subcontractor activities

Resources

- **Download environmental forms available on TDHCA's website**

<http://www.tdhca.state.tx.us/program-services/environmental/docs.htm>

- **Link to HUD's Region VI Guidebook:**

<http://portal.hud.gov/hudportal/HUD?src=/states/shared/working/r6/environmental/environmental>

- **Contact Cynthia Zbranak, TDHCA Senior Environmental Specialist at cynthia.zbranak@tdhca.state.tx.us for environmental questions**

Useful Websites

- **Historic Preservation Review Guide:**
<http://www.thc.state.tx.us/crm/crmsend.shtml>
- **FEMA Resources**
 - Online FEMA maps - <http://www.fema.gov/business/nfip/mscjumppage.shtm> (Enter the [Map Service Center](#))
 - Is this community participating in the NFIP? <http://www.fema.gov/cis/TX.pdf>
- **HUD's 8-step Process – Sample notices and 8-step example:**
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/floodplain, go to right toolbar marked “Floodplain Tools”
- **Wetlands:** <http://www.fws.gov/wetlands/Data/mapper.html>
- **Coastal Barrier Resources Maps (GLO)**
 - <http://www.glo.state.tx.us/coastal/maps/cbrs/index.html>
 - <http://koordinates.com/layer/811-texas-coastal-barrier-resource-system-1994/>
- **Coastal Zone Boundary Map:**
<http://www.glo.state.tx.us/coastal/cmpdoc/jpegs/guidance-czb-sm.jpg>
- **US Fish and Wildlife CBRA Map** = <http://www.fws.gov/CBRA/>

Useful Websites

- **Water Quality:** <http://www.epa.gov/safewater/dwinfo/tx.htm> and <http://dww.tceq.texas.gov/DWW/>
- **Sole Source Aquifer:** <http://www.epa.gov/region6/water/swp/ssa/maps.htm>
- **Sole Source Aquifer Mapper -** http://www.tceq.state.tx.us/compliance/field_ops/eapp/viewer.html
- **Endangered Species:** <http://www.fws.gov/southwest/es/EndangeredSpecies/lists/> and http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/
- **Wild and Scenic River:** <http://www.rivers.gov/wsr-rio-grande-texas.html>
- **Clean Air:** <http://www.tceq.texas.gov/implementation/air/sip/texas-sip>
- **Farm Land, web soil survey:** <http://websoilsurvey.nrcs.usda.gov/app/>
- **Environmental Justice EJmapper -** <http://epamap14.epa.gov/ejmap/entry.html> and Window to My Environment - <http://www.epa.gov/enviro/wme/background.html>

Useful Websites

- **Noise Attainment**

Noise Guidebook - <http://www.hud.gov/offices/cpd/environment/training/guidebooks/noise/>

Noise Guidebook Updated - http://www.hud.gov/offices/cpd/environment/dnl_guide.pdf

Noise Calculator - <http://www.hud.gov/offices/cpd/environment/dnlcalculator.cfm> (select Use Calculator at end of page)

- **Railroad Safety Information -**

<http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/crossing.aspx>

TXDOT mapper - http://www.txdot.gov/travel/planning_map.htm (select “I accept”)

http://www.txdot.gov/travel/traffic_maps/default.htm

Airport Mapper

http://www.faa.gov/airports/planning_capacity/npas/reports/media/2011/npas_2011_appB_part_5.pdf

- **Explosive and Flammable**

http://www.tceq.state.tx.us/permitting/registration/pst/pst_query.html

Siting of HUD Assisted Properties near Hazardous Facilities

<http://www.hud.gov/offices/cpd/environment/training/guidebooks/hazfacilities/>

RCRA info - http://www.epa.gov/enviro/html/rcris/rcris_query_java.html

National Priorities List (superfund sites) <http://www.epa.gov/superfund/sites/npl/index.htm>

- **HUD Acceptable Separation Distance Calculator -**

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