

**ENVIRONMENTAL CONCERNS IN
CHOOSING A SITE FOR
RURAL HOUSING
DEVELOPMENT**



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HOUSING DEVELOPMENT**

Housing Assistance Council

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I. INTRODUCTION

Government at all levels, federal, state, and local, has taken an increased interest in the environmental regulation of housing development, and financing sources have begun to impose environment-related requirements on borrowers. Whether you agree that such requirements are advisable or desirable, as a rural housing developer you are subject to a complex array of them, and cannot pick and choose which ones you will follow. However, you can choose a site that is relatively environmentally safe and complies with federally mandated laws that are meant to protect the natural environment.

As a prerequisite for receipt of federal or state housing dollars, rural developers have long been expected to analyze the effects that a proposed project might have on the natural environment. The general public and government regulators are increasingly concerned about these effects. Part III of this manual examines some of these potential natural resources issues.

In recent years, concern for the environment's effect on the public's health and safety has increased steadily. An unhealthy environment's potential to affect the project's economic viability or the health and safety of the tenants or homeowners who would eventually live there cannot be underestimated. Therefore, it is important to clearly rule out negative environmental conditions at a site before you obligate your organization to develop it. Legal and economic liability for an environmental problem is not necessarily tied to actual causation of the problem. Thus, you cannot protect yourself from liability, nor your tenants, purchasers, or the environment from harm, simply by carrying out your own construction, rehabilitation, or management in compliance with environmental laws. Part II of this manual discusses possible hazards.

In considering a potential site for rural housing development, as a prudent developer you will have three objectives in selecting and developing property. You should determine whether developing the site will

- △ cause the least possible negative effect on the natural environment;
- △ negate as much as possible the effects of artificial and natural contamination and thereby protect the long-term health and safety of the tenants or home purchasers;
- △ avoid unwarranted expense and liability to your organization for clean-up of toxic wastes or hazardous substances caused or abandoned by others, and avoid being classified as a potentially responsible party (PRP), that is, as potentially liable for the cost of cleaning up the site.

All three of these objectives can be met only by a thorough understanding of the regulatory atmosphere affecting the development and occupancy of housing in your local area and by a careful environmental analysis of potential sites or buildings, from both an environmental protection and an environmental health and safety point of view, prior to obligating your organization in any way to a real estate transaction.

II. ENVIRONMENTAL HEALTH AND SAFETY ISSUES RELEVANT TO SITE SELECTION

Part II of this manual is intended to alert you to negative substances in the environment that are (or may be) included in most environmental clearances of sites intended for rural housing development. Environmental reviews are conducted to rule out the presence of toxic and harmful substances and are often required to obtain approval for financing by private mortgage lenders or by federal, state or local government agencies. This section does not explain precisely what environmental requirements are imposed by lenders or federal, state or local regulators, nor how to comply with their requirements, which will differ from place to place and institution to institution. It tells you what troublesome substances to look for and where to get more detailed information to use to evaluate your site in order to comply generally with lender requirements for a clean “environmental bill of health,” i.e., certifications regarding the non-existence of toxic or harmful substances at a particular site. These are often conditions for obtaining financing, especially from private banks who will hold loans in their own portfolio or sell loans in the secondary mortgage market to Fannie Mae (formerly the Federal National Mortgage Association) or Freddie Mac (formerly the Federal Home Loan Mortgage Corporation), as well as from the U.S. Department of Agriculture’s Rural Housing Service/Rural Development agency,¹ which follows its own internal, federally mandated site environmental evaluation process.

If a site contains buildings, barns, sheds or garages that must be removed or altered, additional attention must be given to whether or not the building materials to be discarded contain any harmful substances, since substances such as urea-formaldehyde insulation or asbestos require special handling and disposal. If rehabilitation is contemplated, the building(s) should be examined for asbestos-containing materials (ACMs) or friable asbestos in pipe insulation, where asbestos is most frequently a problem, and in roofing, flooring and siding, where problems are less likely. The building(s) should also be examined for electrical transformers containing polychlorinated biphenyls (PCBs), as well as for lead pipes or for the presence of lead-based paint. Plans must be made for the safe abatement or removal and disposal of these materials using professional assistance to ensure that procedures safe for workers are followed and that the actions taken comply with all requirements. In addition, close attention should be paid to evidence of possible spills from past use of the sheds or garages for mixing agricultural chemicals or from repairing vehicles or farm machinery.

Any owner, developer or lender connected with a site may be liable for the cost of cleaning up environmental damage from hazardous wastes or a leaking underground storage tank, and may also be liable for any harm to neighboring landowners or third parties resulting from such contamination, regardless of whether that particular owner, developer or lender had any involvement with the property at the time the contamination occurred. It is this liability that generates the concern with the subject of contamination on the part of all entities with financial interests in the development. Therefore, while it may appear to be complex or prohibitively expensive, or both, to investigate some of the environmental factors discussed in this section, the consequences of ignorance can be far worse.

¹ The Rural Housing Service oversees USDA’s rural housing programs, formerly run by the Farmers Home Administration. Program administration in the field is carried out by USDA Rural Development staff.

This section focuses on potential environmental impacts on human health, rather than on the impact of a particular development upon the environment, while Part III below discusses issues related to wetlands, coastal areas, wildlife habitats, aquifers, floodplains and the like, where development may be restricted.

A. *Artificial or Naturally Occurring Environmental Substances Relevant to Site Evaluation*

The developer must look for at least ten common synthetic or naturally occurring substances when evaluating a site to rule out the presence of harmful toxic substances: asbestos, formaldehyde, hazardous wastes, lead, pesticides, polychlorinated biphenyls (PCBs), radon, underground storage tanks (USTs), electromagnetic fields, and methyl tertiary butyl ether (MTBE).

1. *Asbestos*

Asbestos is a natural mineral that separates into fibers and can be found nearly everywhere in our environment, usually at very low levels. When asbestos fibers are present in the air, they are normally invisible to the eye. Since they are small and light, they can remain in the air for many hours and unknowingly be inhaled by people in a home or building. If inhaled in concentrations over a period of time, asbestos fibers can cause serious lung diseases that can take 20 years or more to become known.

Asbestos fibers are usually mixed during processing with a material that binds them together so that they can be used in many different commercial products. These products are commonly called “asbestos-containing materials” or ACMs. The potential of an ACM to release fibers is dependent upon its degree of friability.² Intact and undisturbed, ACMs do not pose a health risk.

Until the 1970s asbestos was commonly used in homes in thermal insulation and spray-applied fireproofing and in building materials such as floor coverings, ceiling tiles and paper pipe wrap. Appendix A contains a list of other ACMs. The precise amount of asbestos in a product cannot always be accurately determined from labels or by asking the manufacturer. Nor can positive identification of asbestos be ascertained merely by visual examination. If you suspect that a structure on your site has ACMs, it will be necessary for a qualified laboratory to analyze samples of the suspect materials.

Removal of asbestos is considered hazardous. Its disposal is regulated and the work should be done by trained asbestos contractors. It is imperative that removal and disposal be done with extreme care since the real hazard of asbestos occurs when its tiny, invisible fibers are released into the air. Unless all safeguards are properly applied by trained, experienced individuals, removing ACMs can actually increase the risks of asbestos-related diseases.

² Friable means that the material can be crumbled with hand pressure and, therefore, is likely to emit fibers.

If you determine that a structure(s) on your site has ACMs, for assistance contact the regional EPA Asbestos Coordinator who serves your state. A list of EPA's regional Asbestos Coordinators can be found in Appendix B. You can also call the Toxic Substances Control Act (TSCA) Assistance Information Service, 202-554-1404, for information on asbestos and for a list of laboratories that can test for asbestos problems.

2. Formaldehyde

Formaldehyde is a colorless organic chemical used in manufacturing many construction materials and consumer products such as pressed wood building materials (including those used in manufactured homes), plywood, and foam used for home insulation until the early 1980s (urea-formaldehyde foam insulation, or UFFI), as well as in some draperies, carpeting, paper products, paints and coatings. Materials containing formaldehyde tend to emit the chemical as a gas. The process is called "off-gassing." The gas can cause skin irritation, asthmatic reactions, or irritation to the eyes, nose and mucous membranes, particularly in children, the elderly, and persons with allergies or respiratory diseases. It may also be carcinogenic.

Increased temperature and humidity may increase the amounts of formaldehyde emitted. In addition, if materials in a building's interior emit formaldehyde, it is likely to accumulate faster in a building in which energy conservation concerns have resulted in relatively tighter seals on doors and windows. The presence of formaldehyde in a room can be detected by relatively simple tests of the air in the room and/or in wall cavities and of the potentially problematic materials. The difficulty of removing formaldehyde depends on its source.

Carpeting and textiles "off-gas" most of their formaldehyde content within the first few years or months after their installation, so in a new building temporarily increasing ventilation may be sufficient. Replacing the materials with others not containing formaldehyde would also be effective. In a tightly sealed building insulated with UFFI or built with formaldehyde-containing particleboard walls or subfloors, replacement of all formaldehyde-containing materials may be a costly project. UFFI removal should be carried out only with expert assistance in order to avoid dangerous levels of exposure by workers and to ensure proper disposal of removed materials. In new construction, problems can be avoided by obtaining content information from manufacturers of products that will be used in construction.

Additional information about formaldehyde is available from your regional EPA office, from local chapters of the American Lung Association, or in a booklet entitled "Formaldehyde: Everything You Wanted to Know But Were Afraid to Ask," available by sending a self-addressed stamped envelope to the Consumer Federation of America, 1424 Sixteenth Street, N.W., Washington, DC 20036. A list of regional EPA offices can be found in Appendix C.

3. Hazardous Wastes

Hazardous wastes are not just the industrial chemicals that generally come to mind when we hear the term; they are any waste products that could pose health hazards or environmental dangers if not properly contained. The EPA has listed hundreds of hazardous wastes, including petroleum hydrocarbons – such as motor oil, diesel fuel, gasoline and home heating oil – paint, solvents, heavy metals, and radioactive wastes. Some of the materials discussed separately in this manual (pesticides, asbestos, PCBs, lead, and formaldehyde) are also classified as hazardous wastes and therefore are subject to federal and state laws applicable to other hazardous wastes.

Since hazardous wastes include a broad variety of materials, their presence at a potential building or site may be indicated in a variety of ways. Sickly or unusual vegetation could indicate the presence of toxins in the ground or water. Unusual coloration of soil or on the floor of a basement or a storage building could indicate that a substance such as oil or paint has been poured on the ground or has leaked from storage.

If your site or neighboring properties have been used, legally or illegally, for any of the following purposes, it is possible that hazardous wastes are present:

- ⊠ industrial or storage purposes (including manufacturing, mining, dry cleaning, photo processing, printing, and others),
- ⊠ repair of automobiles or machinery, or
- ⊠ dumping (including legal dumping) or as a landfill.

A former orchard might be contaminated with arsenic or lead, once components of agricultural pesticides. A homeowner who changed his automobile's oil may have regularly dumped used oil in a corner of his yard. A sparsely inhabited area accessible by road may have served as a dumpsite for used appliances containing PCBs or heavy metals, for paint or petroleum products, for used car batteries, etc. Also, since a number of these materials can be carried by groundwater from one area to another, an investigation of your site alone may not necessarily assure you that hazardous wastes have never been present in the area. Professional tests of water and soil samples can detect the presence of various wastes. While testing may seem expensive, it may be significantly less than the cost of removing waste if one has unknowingly purchased a contaminated site.

Different kinds of waste require different types of treatment, ranging from removal to fencing to treating wastes on-site. Where groundwater is contaminated, new sources of water may need to be provided. Mitigation of hazardous wastes generally must be done by professionals. The cost of treatment varies widely depending on the type of waste present, the extent of the contamination, and the treatment needed. It can become prohibitively expensive. Anyone who owns or owned a hazardous waste site, regardless of whether that owner had any responsibility for – or even any knowledge of – the existence of hazardous waste on the site, is classified as a “potentially responsible party” and is potentially liable for the cost of cleaning up the site.

Contact your regional EPA office or your state environmental agency for further details or for information on the location of hazardous waste sites identified and listed by EPA. A list of EPA regional offices can be found in Appendix C. The national EPA office operates a hotline Monday

through Friday, 8:30 a.m. to 7:30 p.m. Eastern time, for questions about hazardous wastes: 800-424-9346; for the hearing impaired, TDD 800-553-7672.

4. Lead

Lead is an increasingly serious concern because of the adverse health effects lead poisoning has on children. A highly toxic metal, lead can cause nervous and reproductive disorders, slowed physical development, cognitive and behavioral changes and hypertension, if ingested in quantities that are poisonous to an individual's system.

Scientists and environmentalists are continuing to find new sources of lead poisoning. At this time, there are two major sources that are a concern to rural housing developers: 1) lead-based paint and 2) lead pipes, or the lead solder used to join or repair copper pipes. Lead may be a concern for you as a rural housing developer if you have purchased a site with a structure intended for rehabilitation that contains lead-based paint and/or has lead pipes as part of its drinking water system. If the structure is a newer home with copper pipes, you should determine whether lead soldering was ever used to repair the copper pipes. It may be necessary to replace the pipes, depending on the seriousness of the problem. Also, water may test positive for lead due to groundwater contamination. Removal of lead-based paint or the repair or replacement of a water supply system is costly and a time consuming process.

If the structure contains lead-based paint, in most cases the paint must be carefully removed from the structure. Painting over lead-based paint does not remove the hazard since a chip of paint will still contain the lead-based paint. Removal should be done without occupants in the structure as lead dust can also be poisonous. The Department of Housing and Urban Development (HUD) has primary responsibility for the federal government's lead-based paint abatement program. Technical and administrative assistance is being provided by the EPA. The bibliography lists HUD publications that provide guidelines for lead-based paint abatement as well as other information. You can also contact HUD's Lead-Based Paint Office in Washington, D.C. at 202-708-1800 or 202-708-1640.

If you suspect that there may be high levels of lead in the drinking water at your site, have the water tested. Many city or county water departments offer testing, sometimes at no cost. You can also contact the Safe Drinking Water Hotline at 800-426-4791, which has a list of state drinking water offices.

5. Pesticides

A pesticide is any product used to kill or control unwanted insects, weeds, rodents, fungi, bacteria and other organisms. This definition includes insecticides, herbicides, rodenticides, fungicides, nematocides and acaricides as well as disinfectants, fumigants and plant growth regulators. Agricultural uses account for over two-thirds of all pesticides used in the U.S. and about three-quarters of the volume used annually. Industry, government and home and garden uses account for the remaining pesticide uses.

For rural developers considering the acquisition of sites previously used as farmland, orchards or vineyards, the prior use of pesticides on the site is a concern. Since some pesticides leave a

chemical residue in the soil that can last years after their original applications, lenders are concerned that liabilities may surface unexpectedly. For example, pesticide compounds of the organo chlorine family, which includes DDT, can remain in the soil for up to 30 years.

At this time, however, there are no federal standards that define soil contamination from pesticides. Many variables can influence a site's contamination levels. Contamination depends on the amount of pesticide mixtures that were used, the soil's ability to absorb the pesticides, the amount of annual moisture levels and the type of application procedures used. Since there are no standards to determine the level of hazard of pesticide contamination for soils, it is difficult to define potential liabilities.

In most cases, pesticide contamination can be mitigated or reduced by exposing the soil to the sun, mixing uncontaminated soil with the contaminated soil, or removing the contaminated soil. If you suspect or determine that the soil at your site is contaminated, be sure to check that the water source is not also contaminated, especially if the source is a local well. In this case, it may be necessary to dig another well.

Check with your lender, local city or county health department, state environmental office and regional EPA pesticide office, if you suspect or determine that your site has pesticide contamination. Appendix D includes a list of pesticide contacts that can provide with additional information or guidance. Also, the National Pesticide Telecommunications Network, 800-850-7378, has been established to give you additional assistance and EPA's national pesticides office can be reached at 703-305-7090.

6. Polychlorinated Biphenyls (PCBs)

Polychlorinated biphenyls (PCBs) are organic compounds once widely used as dielectric fluids (insulators) in electrical transformers and capacitors. They are clear to yellow in color and range in consistency from heavy, oily liquids to waxy solids. They can cause reproductive problems, gastric disorders, nausea, bronchitis, chloracne, skin lesions, and cancer. They can be inhaled, ingested, or absorbed through the skin. PCBs take a long time to break down in the environment or in the body, so they can build up in the body over time, and can be passed upward through the food chain while retaining their toxicity – for example, from plants to fish to humans.

Under current law, PCBs can be used only in strictly limited situations. Before 1978, they were widely used in electrical transformers, capacitors, switches and voltage regulators. Many are still in service by electric utility companies, as well as in mining equipment, heat transfer and hydraulic systems, carbonless copy paper, paints, adhesives, caulking compounds, microscopy mounting media, and fillers in investment casting wax. Any structure built before 1978 may contain PCBs in its electrical systems including fluorescent light ballasts, as may any electrical transformer located along railroad tracks, even if built after 1978. Most electrical equipment containing PCBs may continue to be used legally as long as it meets certain legal requirements including proper inspection and maintenance, and sometimes restricted access. As long as the PCBs remain encapsulated and do not leak, they are not required to be removed during the useful life of the item in which they are contained.

If PCBs have leaked into the environment, removal and disposal by experts is necessary. While

inspecting a property you are considering developing, avoid coming into contact with or breathing any substance that might be PCBs.

Contact your EPA regional office or your state environmental protection office for information. In addition, EPA maintains a Toxic Substances Control Act (TSCA) information line that includes information on PCBs. Call 202-554-1404, 8:30 a.m. to 5:30 p.m. Eastern time, Monday through Friday.

7. Radon

Radon is a colorless, odorless, tasteless gas that occurs naturally in the environment as a byproduct of the natural decay of uranium present in the earth. It is present in varying quantities in the atmosphere and in soils around the world. Radon in underlying soil or in well water can be a source of radon contamination in a home.

The health risk associated with prolonged inhalation of radon decay products is an increased risk of developing lung cancer. There are indications that risk increases as the level of radon concentration and duration of exposure increases. EPA's radon risk assessments assume that one is exposed to radon over a 70-year lifetime during which one spends 75 percent of the time in the home. EPA has determined that short-term exposure to a high concentration of radon is not as severe a risk as long-term exposure to a lower level of radon.

The only way to determine if the site has a radon problem is to test it. Currently, there are three popular, commercially available and relatively inexpensive *indoor* radon detectors: a charcoal canister, an electret ion detector and an alpha track detector. These detectors are exposed to the air in the building for a specified period of time and sent to the laboratory for analysis. The charcoal canister is used for short-term testing – about one week; the alpha track and electret ion detectors, the most common long-term testing devices, can be used for up to one year.

Radon in the soil is detected and measured by collecting numerous soil gas samples across a broad area of a site, especially where buildings might be constructed. Professional engineers, using a hollow steel soil probe and a vacuum pump, draw samples of soil gas into a Lucas Cell for collection and transport to a laboratory for analysis by a radiation monitor, which literally counts the radioactive particles. A complex formula is then applied to calculate radon concentrations from the particle counts. This information is measured against the potential for elevated indoor radon concentrations and EPA-suggested thresholds for long-term exposure. If the concentrations are determined to exceed those thresholds, mitigation measures are needed.

It is possible to mitigate or abate the effects of radon relatively inexpensively. Various construction techniques can help mitigate its effects, if you are building new structures, and reduction techniques can be used in existing structures with high levels of radon.

EPA has developed maps showing areas of the country in which the existence of radon is more prevalent than in other areas. A list of regional offices can be found in Appendix C. If you have reason to believe that your site or structures on your site might have high radon levels, contact your State Radon Office. Appendix E is a list of state offices. You can also contact the national radon hotline, 800-SOS-RADON, or the national EPA office dealing with radon, 202-260-9605.

8. Underground Storage Tanks (USTs)

Underground storage tanks (USTs) are primarily found in rural areas on sites that were used as rural homesteads, gas stations, motor vehicle pools, airports, farms, marinas and at large public institutions, such as schools and hospitals. The EPA estimates that the number of USTs in the U.S. ranges from five to seven million. Due to corrosion in the tank or pipes an UST may leak or have leaked its contents, typically substances containing petroleum hydrocarbons, into the surrounding area, ultimately contaminating groundwater. In 1984, the Congress became so concerned about leaking USTs that it directed EPA to develop regulations. Consequently, the EPA began tracking the problems and today estimates 15 to 20 percent of USTs are probably leaking or have leaked in the past 30 years.

Rural developers who may deliberately or unsuspectingly purchase a site with an UST should be aware that they have certain responsibilities. Federal regulations require all UST owners to register their tanks. State and local laws may impose additional requirements. If your site has evidence of spills or stains on the ground, further investigation is called for, which may include laboratory testing to determine the type and extent of contamination. By federal law, the soil containing the contamination must be removed and disposed of in an approved landfill. The safe removal and disposal of the affected soil and/or tanks is usually a successful solution to a leaking UST, providing it has not contaminated a water source.

State and local regulations may require you to do more than federal regulations, so check with your state and local officials if your site has an UST. The EPA has regional UST Program Managers who can be contacted for assistance, listed in Appendix F. Some states also have leaking underground storage tanks (LUST) offices which can assist you if you discover an UST that is leaking.

9. Electromagnetic Fields

Electromagnetic fields occur naturally in the earth and atmosphere, and also are generated by electric power stations, transmission lines, and appliances. Some studies indicate a greater incidence of human and animal health problems, including cancer, in areas near strong electromagnetic fields (such as those generated by high voltage transmission lines). Other studies have found no direct correlation. Therefore, while electromagnetic radiation apparently cannot presently be classified as a known environmental hazard, you may wish to think carefully before situating housing next to an electrical generating plant or under high voltage wires.

For further information, contact your regional EPA office (see Appendix C) or the EPA Office of Radiation Programs at 202-260-9626.

10. Methyl Tertiary Butyl Ether (MTBE)

MTBE is an oxygenate added to gasoline to improve air quality. It boosts octane, improves combustion and reduces tail pipe pollution. It is one of two oxygenates (ethanol is the other) essentially required as additives to gasoline as a result of passage of the 1990 Clean Air Act. Unfortunately it is extremely water soluble and has spread into water supplies via leaking gas tanks. It spreads rapidly in water supplies and aquifers, appears to be difficult to remove

and is a suspected carcinogen in animals. The effect on humans has not yet been proved, but the American Water Works Association has urged the President to ban it. A number of MTBE contaminated wells have been closed down around the country.

A site search should include checking with the appropriate water supplier to see if their source has been tested. Housing developers should have on-site water sources tested for MTBE. If MTBE is present in the water supply, it is advisable to find an alternate site.

B. *Informal Environmental Site Review and Assessment*

It is possible for the nonprofit developer to assess the environmental health of a site informally rather than to hire a professional consultant immediately. If, during the course of an informal assessment, there are signs of possible contamination or other environmental problems, the evaluator still has the option of hiring a professional environmental engineering firm to assess the situation thoroughly. For example, if an informal assessment finds an underground storage tank, there may be reason to hire a professional consultant to undertake a thorough environmental review and make recommendations for solutions, mitigation or cleanup and estimate the cost in dollars as well as time.

Four major steps in the informal environmental review process are inspecting the site, compiling the land use history, reviewing state environmental agency records, and determining which federal, state and local and/or lender requirements may affect your site.

Step 1. Site Inspection of Raw Land and Buildings

The first step is to inspect the site. If on inspection the site shows evidence of possible spills, leaching, casual dumping or buried tanks, you should consider the types of mitigation available, related costs and the impacts they will have on the project. It may be possible to mitigate the effects so that the site can be developed. You should look at or for:

- ⊞ the condition of the vegetation – poor, discolored foliage, stunted growth, malformation, presence of disease, or lack of diversity can all indicate contamination;
- ⊞ stained ground areas, which indicate possible spills of petroleum hydrocarbons such as heating oil, motor oil, or gasoline;
- ⊞ evidence of filling-in of low areas, which indicates possible illegal burial of solid or liquid wastes;
- ⊞ signs of excavation, which are another sign of possible burial of hazardous or harmful substances;
- ⊞ presence of catch basins, which indicate possible drainage problems;
- ⊞ pavement patches or pipes protruding from paved surfaces, indicating the possible existence of an underground storage tank (UST);

- ⊞ regular patterns of depressions or raised areas, another indication of possible dumping activity;
- ⊞ electrical transformers, which can indicate the presence of polychlorinated biphenyls (PCBs); and
- ⊞ hydrogeologic features such as flood plains, drainage divides, stream terraces and creeks. These features can indicate the presence of wetlands on the site, which are now protected from encroachment by state and federal agencies. If toxic or harmful substances are found on a site with these features, the possibility of contamination of the watershed and other offsite properties also increases.³

Step 2. Compiling the Land Use History

The next step is to reconstruct a land use history, if possible, or as much as reasonably possible. You should not assume that nothing of any consequence has ever occurred on a site, even if it is bare land at the moment, nor should you rely on the seller of the site to provide you with a complete land use history. A land use history is compiled by researching official documented records and by having informal conversations about the “undocumented” activities that may have taken place on the property.

One way to learn more about the property’s undocumented past uses is through informal conversations with neighbors and long-time local residents. Neighbors and local residents often know what kind of activities have occurred on the property since, during the course of their own daily movements, they see other neighborhood activities. Sometimes this information can be more revealing than formally documented information. However, whenever possible, try to corroborate undocumented information with documented evidence. This may prevent you from relying on hearsay that may be inaccurate.

In constructing a documented history, it is important to review official records if they are available, and also to talk with municipal, county and state agency employees. Interviews should be dated and documented for future reference. When reconstructing the ownership and uses of a site, you should make sure you obtain a description of the occupants and activities that have taken place at the site. While the ideal length of time is 50 years, official records are not

³ For more information about what to do if you suspect that the property may have any of these features, see section III.D.1 below.

always available that far back. Therefore, try to obtain as much information as possible to determine the past uses of the site.

Significant land use information can be obtained from the following governmental offices:

- △ tax assessor's office for map and parcel numbers; present and past property owners and their addresses; property boundaries and sizes of lots; perhaps information on structures, site plans, old pictures of the property;
- △ registry of deeds for property ownership records or ask current owner if a "chain of title" exists from a previous title search;
- △ town building department for records of construction, occupancy and demolition permits; records will note type of building or signs installed on the property;
- △ historical commission or society for old pictures and maps, books on notable properties or industrial history and processes;
- △ planning department for zoning changes and general land use of a site;
- △ town engineer for information and maps on drainage basins; topography; geology; groundwater and water and sewer systems; and assessor's maps;
- △ conservation commission for information on water quality issues and discharges into significant bodies of water;
- △ town clerk, licensing board or commission for records of permits issued for fuel and chemical storage (in underground or above ground storage tanks);
- △ town fire chief or fire prevention officer for records of underground storage tanks, and any discharges from such tanks, as well as accidental spills, and of periodic inspections on particular sites;
- △ local health department/sanitarian for historical use of an on-site septic system which may have contaminated or continue to contaminate groundwater, location and quality of nearby drinking water supplies, and records of any health-related complaints registered in the area; and
- △ USDA's Rural Development office for your state for locations of environmentally sensitive areas. Rural Development State Offices compile such information in *State Natural Resource Management Guides*, which are discussed in greater detail in section III.B below.

Step 3. Reviewing State Environmental Agency Records

The third step is to contact the state agency(ies) responsible for environmental matters. Inquire specifically about the site and those sites immediately adjacent as to whether or not they appear in any state records involving:

- ⊞ CERCLIS sites – these are 33,000 sites that the U.S. Environmental Protection Agency (EPA) has determined to be potentially hazardous; always review this list to determine if the site is on the CERCLIS list or near a site on the list;
- ⊞ hazardous materials sites where companies exist or existed or processes are or were used which generate hazardous materials;
- ⊞ incidents of oil discharges;
- ⊞ water quality compliance – you should determine whether the community has been cited for violation of any water-related or sewer-related federal, state or local regulations; and
- ⊞ state environmental actions.

Step 4. Identifying Federal, State, Local and Lender Environmental Requirements

The final step in your environmental assessment is to identify federal, state, local and lender environmental requirements. Since states and local jurisdictions develop their own environmental laws and regulations, it is not possible to include such specific information in this primer. Also, almost all lenders have certain requirements, aside from governmental requirements, that must be met before they will lend funds. Appendix G is a list of some of the major federal laws that affect many rural housing developments. This list is not conclusive, as federal environmental laws and regulations are continually being revised.

Gain an understanding of how, why and when your site will be affected by each of these sets of requirements. Only then will you be able to determine the potential cost and feasibility of proceeding with your project on that site.

C. What If I Need Professional Assistance to Identify Possible Problems?

For various reasons, your organization may decide or be required by a lender to have a professional environmental audit. Prior to hiring a professional firm, you should consider several points. What type of environmental engineering firm will best meet your needs? Should you select a large, multi-million dollar firm with expertise in a multitude of environmental areas or a small locally owned firm that is familiar with problems particular to your locality? Does the firm know applicable federal, state and local government environmental laws, as well as have demonstrated professional experience? Does your lender or potential lender require that your environmental auditor have certain qualifications? What exactly will the audit determine and how should you use the information once the audit has been completed?

1. Type of Company

Professional environmental engineering firms range from large, multi-million-dollar organizations to small, specialized, locally owned ones. It is to your advantage to determine which kind of organization will best meet your needs, *before* you actually hire one. If you suspect that your property or proposed project site has some serious environmental problems, it may be to your advantage to hire a large firm with varied experience. Large firms often have international, national and regional offices with an expansive network of professionals and expertise.

Medium and small environmental organizations with well-qualified professional staff may not have such an expansive network but they can undertake audits with equal expertise and professionalism. Local firms will, most likely, have a good understanding of the type of environmental problems in your locality and know what, where or how to look for potential problems on your site.

2. Components of a Phase I Audit

The purpose of a Phase I assessment is to determine quickly, but to a greater depth and detail than your informal site review, whether information currently exists to evaluate clearly a property's environmental status. The assessment involves a review of records, interviews with people knowledgeable about the property, and an inspection of the property, the buildings, its fenceline and adjoining properties.

A typical Phase I audit consists of a:

- ⊞ thorough description of the location of the site with respect to the surrounding topography;
- ⊞ brief environmental history of the area and the site;
- ⊞ description of any commercial, industrial or mining activities at least within a quarter mile that may have an effect on the site's air, water or land quality;
- ⊞ detailed narrative of a site inspection;
- ⊞ examination of the sheds, garages and buildings on the property;
- ⊞ review of the state and local agencies' files to evaluate the site and adjoining properties with respect to regulatory compliance and any releases of oil or hazardous substances; and
- ⊞ determination whether and why a Phase II audit should be conducted.

3. Components of a Phase II Audit

Phase II audits are required for each of those hazards for which the property was questionable under the Phase I audit. The Phase II audit will involve more detailed physical site inspection and review of historical records. The purpose of Phase II is typically to quantify the presence or absence of an uncertain liability, e.g., asbestos or a leaking underground storage tank, or the extent of an observed or suspected liability, e.g., soils or ground water contamination.

A Phase II audit can include:

- ⊞ bulk asbestos sampling and analysis and, if required, development of abatement and maintenance programs;
- ⊞ underground storage tank location/testing for leaks;
- ⊞ soil sampling and analysis;
- ⊞ groundwater sampling and analysis;
- ⊞ testing of suspected PCB contaminated soil and/or facilities; and
- ⊞ investigation of Superfund actions related to neighboring properties.

D. Conclusion

As this section has indicated, there are a variety of harmful environmental substances or circumstances that might affect a given housing development project: radon, pesticides, petroleum hydrocarbons, asbestos, formaldehyde, lead-based paint, heavy metals such as arsenic and lead, hazardous wastes, PCBs, USTs, possibly electromagnetic fields, and MTBE. After a site is acquired or after construction has begun, these conditions or hazards can lead to prohibitively expensive liability. Therefore, many lenders require developers to investigate and report the presence of some or all of these potential hazards or to document their absence, before making a commitment for project financing at a particular site.

To avoid future problems, you may choose to conduct an informal environmental assessment of a site before you make any commitments. To conduct a preliminary assessment on your own, you can interview local residents and government officials about the uses of the site, investigate official local and state records regarding the site, and inspect the site itself. You can contact your state, regional or county offices of the Department of Housing and Urban Development (HUD) or the U.S. Department of Agriculture's Rural Development branch. You may also wish to hire professional assistance.

III. ENVIRONMENTAL PROTECTION OF IMPORTANT NATURAL RESOURCES AFFECTING THE DEVELOPMENT POTENTIAL OF RURAL SITES

Section II discussed various substances sometimes found in the environment of a site or building that could possibly affect the health and safety of future residents. In this section, the focus will shift to the potential impact of the proposed housing upon the environment itself, since any coverage of the environmental factors affecting development in rural areas would not be complete without a description of the implications of several important federal laws and executive orders that are designed to protect our natural resources.

A. Federal Legal and Regulatory Environment

Federal environmental protection laws are intended to protect important natural resources, particularly land resources, and to encourage compact, efficient development. These laws are meant to control the potential for negative impact upon the environment caused by the creation of housing or other development projects financed with federal funds and mandate federal lending agencies as well as the general public to comply with those laws.

Housing development decisions in rural areas made by USDA's Rural Development/Rural Housing Service, the primary rural lender, are constrained by administrative compliance with the following federal laws and executive orders:

- △ National Environmental Policy Act (NEPA)
- △ Safe Drinking Water Act
- △ Endangered Species Act
- △ Wild and Scenic Rivers Act
- △ Coastal Zone Management Act
- △ Coastal Barriers Resources Act
- △ Farmland Protection Policy Act
- △ National Historic Preservation Act
- △ Archaeologic and Historic Preservation Act
- △ Executive Order 11988, Flood Plain Management
- △ Executive Order 11990, Protection of Wetlands
- △ USDA Departmental Regulation 9500-3, Land Use Policy
- △ USDA Departmental Regulation 9500-4, Fish and Wildlife Policy

Certain housing programs impose specific environmental review requirements. For example, the Department of Housing and Urban Development's Self-Help Homeownership Opportunity Program (SHOP) involves environmental requirements much more demanding than those currently used in the Rural Housing Service's programs. HAC, which is one of several organizations selected by HUD to carry out SHOP, has developed supplemental environmental guides and questionnaires for local developers receiving SHOP funds. Copies are available upon request from HAC's Community Development Division, 202-842-8600 or cdd@ruralhome.org.

B. State Natural Resource Management Guide

In an effort to assist its borrower-clients through the environmental regulatory review that it must by law and administrative procedure conduct on each project of substantive size, which in fact integrates the activities of numerous other federal agencies, USDA produces a state-specific *State Natural Resource Management Guide*. This guide is published to provide the rural developer with a ready reference to the names, addresses and telephone numbers of those federal and state agencies responsible for environmental functions in each state, agencies from whom you can obtain the information necessary to provide answers to the questions contained in Form 1940-20, Request for Environmental Information. (A copy of this form is attached as Appendix H.)

More importantly, the *State Natural Resource Management Guide* should also provide an inventory of important land uses within your state with documents, maps, listings and graphic materials compiled from federal, state and local agencies that have jurisdiction over land uses and environmental factors, and should also describe the locations of the following:

- △ places included on the National Register of Historic Places;
- △ rivers designated as part of the wild and scenic rivers system and rivers under study for inclusion in the system, as published by the Department of the Interior;
- △ important farmlands;
- △ prime rangelands;
- △ prime forestlands;
- △ wetland inventory;
- △ floodplain inventory, as issued by the Federal Emergency Management Agency (FEMA);
- △ endangered species and critical habitats, as listed or proposed for listing by the Department of Commerce and the Department of the Interior;

- ⊞ sole source aquifer recharge areas, as designated by the Environmental Protection Agency (EPA);
- ⊞ air quality control regions, as designated by EPA;
- ⊞ noise sources, identifying locations of airports, railroads, and major roadways;
- ⊞ National Registry of Landmarks, as published by the Department of the Interior;
- ⊞ Coastal Barrier Resources System locations;
- ⊞ state inventories or planning documents identifying:
 - wildlife refuges
 - important habitats
 - areas of high water quality
 - areas of scenic or recreational value;
- ⊞ agricultural districts or other similar zoning classifications for agricultural land protection; and
- ⊞ Coastal Zone Management Areas.

The *State Natural Resource Management Guide* and Form 1940-20, Request for Environmental Information, are available through the USDA Rural Development State Office. Obtain a copy as one of the first steps you take in the process of preparing for site evaluation for a housing development financed by USDA's Rural Housing Service (RHS). See Appendix I for USDA's in-house description of what the *State Natural Resource Management Guide* should contain.

C. *USDA Environmental Regulations: Instruction 1940-G*

Familiarity with the program regulations or instructions governing environmental protection and land use policy of concern to the primary rural credit agency, RHS/Rural Development, is prudent. These instructions are often referred to by government employees as "the procedure," as in, "the procedure says we must do it this way." Rural Development employees consult RD Instruction 1940-G, "The Environmental Program" to guide them through the environmental regulatory maze. These documents should be available to you by mail from the USDA Rural Development State Office in your state.

According to Instruction 1940-G, Section 1940.301(d), the agency adopted these regulations in order that its employees might "make better decisions by taking into account potential environmental impacts of proposed projects and by working with [Rural Development] applicants, other Federal agencies, Indian tribes, state and local governments and interested citizens and organizations in order to formulate actions that advance program goals in a manner that will protect, enhance and restore environmental quality."

Proposed projects containing 25 lots/units or less generally require Rural Development to do a

Class I Assessment and projects containing more than 25 lots/units require a Class II Assessment, unless significant environmental issues are discovered. These reviews are completed before the agency's first major decision is made whether to participate in a proposed project, during the preapplication review process. If after review a determination is made that the proposed project will not cause significant impact on the environment, the agency is required to inform the public of its "finding of no significant impact," commonly referred to as a FONSI. Through this notice, the public is given the opportunity to review the work of the agency and to present comments within 15 days, if there is disagreement about the findings. See Appendix J for an example of a public notice. It is placed in a local newspaper by the project developer. Rural Development provides the format and the information that the notice should contain.

HAC has published a guide explaining how applicants can use existing information to respond to Form 1940-20. It is not a substitute for the recommendations in this publication, but saves time and money when much of the information is available from local providers.⁴

D. Significant Environmental Protection Factors

A brief description follows of the significant environmental protection factors that would be part of a comprehensive Class II environmental review by Rural Development for housing development projects proposing the rehabilitation or new construction of multifamily rental projects or the creation of larger subdivisions for single-family homeownership. The Class II assessment is initiated through the vehicle of Form 1940-20, the Request for Environmental Information.

1. Land Use Policy

USDA is charged with ensuring the nation with an adequate supply of food, fiber and wood to meet our domestic needs and those of the export market. There is constant competition for limited land and water supplies caused by demands for economic development, housing and related services in rural areas. In order to balance these competing demands, the agencies of the USDA try to accommodate orderly growth and development, while avoiding unwarranted conversion of these important natural resources necessary for agriculture and to ensure the maintenance of native wildlife habitats, safe water quality, the prevention of unnecessary sprawl, and the endangerment of life and property by locating in flood prone areas, such as wetlands and 100-year floodplains (discussed below).

Refer to the *State Natural Resource Management Guide* for the agencies and individuals that can assist you to determine whether a site under evaluation falls under any of these categories. It is wise to avoid proposing the development of any site that falls into the categories of wetlands, floodplains, prime forest lands, and prime range lands.

Wetlands create a special challenge in that four federal agencies have jurisdiction and responsibility for some aspect of their protection as a natural resource and, therefore, might have

⁴ *FmHA [RHS] Environmental Regulations: A Guide for Rural Housing Applicants* (rev. Oct. 1988) is available from the Housing Assistance Council for \$5.50.

some control over the permitting process required to allow construction or intrusion into a protected area. The federal agencies are Department of the Army, Corps of Engineers; U.S. Fish and Wildlife Service; Natural Resources Conservation Service; and Environmental Protection Agency.

There is considerable disharmony at the present time across all spectrums of the development, preservation and scientific communities with regard to the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, prepared jointly by the four agencies listed above. The 1989 manual was intended to determine which wetlands areas are subject to federal jurisdiction. The U.S. Congress has directed the Army Corps of Engineers to use the 1987 manual until a resolution to the conflict can be achieved. The National Academy of Sciences has been asked to provide scientific assistance to resolve the problem and specific legislation will probably be the result.

Meanwhile, the U.S. Fish and Wildlife Service (FWS) is preparing wetland maps of the nation. Rural Development generally consults the FWS on wetlands questions regarding sites for housing development. Regional offices of the FWS have a Wetland Coordinator who can provide information on the status of FWS mapping and about state and local wetland surveys.

The Natural Resources Conservation Service also provides Rural Development and the general public information on important farmlands and prime forest and rangelands and site-specific soil types and soils quality information, as well as technical assistance, information about and protection of wetlands on sites used for agricultural purposes.

The Army Corps of Engineers controls permitting of projects that affect coastal areas and major waterways and those involving dredging of coastal areas or the filling of wetlands under Section 404 of the Clean Water Act. The Environmental Protection Agency sets the guidelines for the Corps's permitting process and monitors the Corps's program.

To rule on wetlands questions facing a parcel for development, Rural Development staff in the field are able to use whichever of the first three agencies on the above list has customarily played the largest role in wetlands preservation in the area where a proposed site is located. Therefore, refer to the *State Natural Resources Management Guide* for your state to locate the agency that the Rural Development state office environmental coordinator indicates can provide you with the information you need on the wetlands potential for a site under consideration for development.

100-Year Floodplains, referred to as base floodplains, experience a flood of a magnitude that occurs once every 100 years. Statistically, there is one chance in one hundred that a flood of this magnitude could occur each year and one chance in five that a flood of this magnitude will occur within a twenty-year period. Flooding is a temporary inundated condition of a land area, either partial or complete, caused by overflow of inland or tidal waterways, that also causes rapid accumulation or runoff of surface water. USDA and other federal agencies actively discourage consideration of construction within the boundaries of flood prone areas, especially within a 100-year floodplain, and utilize FEMA Flood Insurance Rate Maps or Flood Insurance Studies to determine whether a site falls within one of these areas. Call FEMA's toll free number, 800-358-9616, for information on the most current map available for your area and how to obtain it.

Important Farmlands contain prime farmland, unique farmland, and additional farmland, according to USDA.

Prime farmland “is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, oilseed crops and is also available for these uses. It has the soil quality, growing season and moisture supply needed to produce, economically, sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content and few or no rocks.”

Unique farmland “is land other than prime farmlands that is used for the production of specific high-value food and fiber crops. It has a special combination of soil quality, location, growing season and moisture supply needed to produce, economically, sustained high quality and or high yields of a specific crop. It has a moisture supply from stored moisture, precipitation or a developed irrigation system. It combines favorable factors of soil quality, growing season, temperature, humidity, air drainage, elevation, aspect or other factors such as nearness to market, that favor the growth of a specific food or fiber crop. Examples of such crops are citrus, tree nuts, olives, cranberries, fruit and vegetables.”

Additional farmland of statewide or local importance is land that is of statewide importance for the production of food, feed, fiber, etc. These lands are identified by a state agency(ies) or local agencies concerned.

Prime Forest Lands consist primarily of timberland that is currently forested in natural stands of various wood growing capacities, whose significance is determined by the U.S. Forest Service and state or local forestry agencies.

Prime Rangeland “is rangeland which because of its soil, climate, topography, vegetation and location, has the highest quality or value for grazing animals. The (potential) natural vegetation is palatable, nutritious and available to the kinds of herbivores common to the area.”

USDA agencies, including Rural Development, in DR 9500-3(6)(i) are directed not to “assist in actions that would result in the conversion of these lands to other uses or to encroach upon flood plains unless 1) there is a demonstrated need for the project, program or facility, and 2) there are no practicable alternative actions or sites that would avoid the conversion of these lands or, if conversion is unavoidable, reduce the numbers of acres to be converted or encroached upon directly or indirectly.”

The complete definitions of important farmlands, prime forest land, and prime rangeland are found in RD Instruction 1940-G, Departmental Regulation 9500-3, Land Use Policy, as Appendix A, from which these excerpts are taken.

2. Natural Environment

Endangered species and critical habitats have been identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service and are maintained on lists available to the general public. Applications for housing assistance are reviewed to determine whether a proposed development might pose a threat to the continued existence of the species or result in the destruction or adverse modification of a critical habitat. Rural Development state, area, and local offices should maintain current publications of listed and proposed endangered species as well as critical habitats found in their respective jurisdictions. These lists can be found in the *State Natural Resources Management Guide*.

Wild and scenic rivers are those rivers or portions of rivers included in the National Wild and Scenic Rivers System, those designated for potential addition to the system or those which appear to be qualified to enter the system and are identified in the Nationwide Inventory prepared by the National Park Service of the Interior Department. Again, Rural Development state, area, and local staff is directed to maintain current listings of these categories of important rivers. Those sites proposed for development that are located within one quarter mile of the banks of such a river, or which will discharge water to the river via a point source, or which would be visible from the river, will draw additional scrutiny from Rural Development during environmental review. These lists can be found in the *State Natural Resources Management Guide*.

The Coastal Barriers Resources Act prohibits new federal expenditures or financing assistance on barrier islands that are included in the Coastal Barriers Resources System, with limited exceptions. Only barrier islands on the east and gulf coasts are affected by this Act. Maps containing the boundaries of the affected areas are maintained and distributed by the Interior Department.

Approved Coastal Zone Management Areas are defined in each state's Coastal Zone Management (CZM) Program. Contact the Rural Development state office for information as to which agency in your state is responsible for the CZM Program, if yours is a coastal or Great Lakes state and the property you propose to develop is near the shoreline. Additional, complex environmental protection regulations apply and CZM permits are required.

Historical and archeological properties are reviewed because Rural Development is required to protect the integrity of sites, buildings, districts, structures or objects of national, state and local importance in its process of considering entering into any undertaking that might cause any beneficial or adverse changes to these properties. Agency personnel are mandated to contact, or have you contact, the State Historic Preservation Officer (SHPO) to have that office assess the impact that your proposed project might have on any property with scientific, prehistoric, historic or archaeological significance in the vicinity of or at the property itself. In this

way negative impacts can be avoided altogether or steps taken to avoid or mitigate adverse effects on those properties.

The State SHPO office administers the National Register of Historic Places and the historic preservation grants program and coordinates preservation planning within each state. General inquiry should be made of the SHPO and the Regional Office of the National Park Service covering your area about the location of historically significant or potentially significant sites once you have identified the market area in which you wish to operate. Once you have identified a potential site for development, a specific request for review of that location would be required.

Noise sources with impact on housing developments are airports, railroads and major roadways. Close proximity to these sources carries the potential for negative impact on the health and safety of the general public. Rural Development has adopted HUD minimum property standards to determine acceptable exterior noise levels at a site. Noise is measured against three decibel (dB) levels: 65 dB or less, 65-75 dB and greater than 75 dB. The agency uses these standards to determine whether a site is acceptable, requires mitigation, or is unacceptable for development. Rural Development must also insure that it does not promote incompatible development around federal airfields.

Sole source aquifer recharge areas are designated by the Environmental Protection Agency as areas important for the replenishment of the surface and underground water supplies. A quick check with the EPA regional office should determine whether you must concern yourself with the potential for problems with your project site regarding surface water runoff and the effects of erosion on nearby streams within one of these recharge areas.

State water quality control standards are protected by Rural Development in that the agency will not fund any project that would impair a state water quality standard or that would not meet antidegradation requirements set by the state. Antidegradation requirements are imposed to prevent the lowering of water quality in an area below its current state. Such standards are intended to protect the public wildlife and vegetation from the harmful effects of water pollution.

E. State Environmental Policy Acts

Some states have adopted environmental policy acts in addition to the National Environmental Policy Act (NEPA), enacted at the federal level. You should determine which agency in your state has responsibility for enforcement of the state's environmental laws and familiarize yourself with those laws and regulations, since they will involve complying with a set of requirements, some of which may overlap with the federal environmental requirements, while others may not.

F. USDA-HUD Interagency Coordination

In the event that Rural Development and HUD funds are being used to finance the development of a housing complex, Rural Development *may* adopt all or part of the environmental assessments or reviews prepared by the city or locality that applies directly to HUD for a Community Development Block Grant (CDBG) or Urban Development Action Grant, because under the process that HUD uses to implement the requirements of NEPA the city or locality

becomes legally responsible as the federal agency. Similarly, under the state-administered Small Cities CDBG program, grant recipients are authorized to and do assume legal responsibilities for environmental review and decision-making that would normally apply to HUD under NEPA. However, Rural Development personnel still must make a judgment about the adequacy of the substance of such an assessment report as it relates to the RHS/Rural Development environmental program. The agency, therefore, is not required to accept a review or assessment prepared by another federal agency, if that assessment is deemed inadequate in its judgment.

G. Conclusion

This section was intended to familiarize the rural developer with the various aspects of the natural and artificial environment that are legally protected and to direct the rural developer to ready sources of information and technical expertise that will facilitate the evaluation of a potential building site from the environmental protection perspective.

Clearly the proposal to develop housing on a particular site is as challenging from an environmental protection point of view as it is from a health and safety point of view. Therefore, it is much preferred to be properly armed with all the environmental information that constrains development before a developer commits his or her organization to substantial financial investment, rather than to discover an extremely difficult or expensive problem after the fact.

While this manual has attempted to give you basic information on these matters, it is impossible for a single document to tell you everything you might ever need to know about all environmental circumstances on any and all rural development sites. Nor can having this information decide for you when the expense of obtaining a professional evaluation of a project site will be worth the cost to you, or when the environmental issues posed by a site are so complex, so expensive to resolve or so potentially risky that it may be appropriate to consider finding a different site. The information presented here is only an introduction to an extremely complex topic.

IV. APPENDICES

Appendix A: Sample List of Suspect Asbestos-Containing Materials

- Cement Pipes
- Cement Wallboard
- Cement Siding
- Asphalt Floor Tile
- Vinyl Floor Tile
- Vinyl Sheet Flooring
- Flooring Backing
- Construction Mastics (floor tile, carpet, ceiling tile, etc.)
- Acoustical Plaster
- Decorative Plaster
- Textured Paints/Coatings
- Ceiling Tiles and Lay-in Panels
- Spray-Applied Insulation
- Blown-In Insulation
- Fireproofing Materials
- Taping Compounds (thermal)
- Packing Materials (for wall/floor penetrations)
- High Temperature Gaskets
- Laboratory Hoods/Table Tops
- Laboratory Gloves
- Fire Blankets
- Fire Curtains
- Elevator Equipment Panels
- Elevator Brake Shoes
- HVAC Duct Insulation
- Boiler Insulation
- Breeching Insulation
- Ductwork Flexible Fabric Connections
- Cooling Towers
- Pipe Insulation (corrugated air-cell, block, etc.)
- Heating and Electrical Ducts
- Electrical Panel Partitions
- Electrical Cloth
- Electric Wiring Insulation
- Chalkboards
- Roofing Shingles
- Roofing Felt
- Base Flashing
- Thermal Paper Products
- Fire Doors
- Caulking/Putties
- Adhesives
- Wallboard
- Joint Compounds
- Vinyl Wall Coverings
- Spackling Compounds

NOTE: This list does not include every product/material that may contain asbestos. It is intended as a general guide to show which types of materials may contain asbestos.

Appendix B: EPA Regional National Emissions Standard for Hazardous Air Pollutants (NESHAP) and Asbestos Hazard Emergency Response Act Program (AHERA) Coordinators

Region	States	AHERA Contact	NESHAP Contact
1	Connecticut Maine Massachusetts New Hampshire Rhode Island Vermont	James Bryson U.S. EPA, Region 1 1 Congress Street, Suite 1100 JFK Federal Building Boston, MA 02204-0001 Phone: 617-918-1524 Fax: 617-918-1505	Wayne Toland U.S. EPA, Region 1 1 Congress Street, Suite 1100 Mailcode: SEA Boston, MA 02114-2023 Phone: 617-918-1636 Fax: 617-918-1810
2	New Jersey New York Puerto Rico Virgin Island	Bob Fitzpatrick U.S. EPA, Region 2 290 Broadway, 21st Floor New York, NY 10007-1866 Phone: 212-637-4042 Fax: 212-264-6774	Bob Fitzpatrick U.S. EPA, Region 2 290 Broadway, 21st Floor Mailcode: DECA/ACB New York, NY 1007-1866 Phone: 212-637-4042 Fax: 212-264-6774
3	Delaware District of Columbia Maryland Pennsylvania Virginia West Virginia	Racine Leonard U.S. EPA, Region 3 1650 Arch Street Philadelphia, PA 19103 Phone: 215-814-5797 Fax: 215-814-2134	Garry Sherman U.S. EPA, Region 3 1650 Arch Street Mailcode: 3WC32 Philadelphia, PA 19103 Phone: 215-814-5267 Fax: 215-814-3113
4	Alabama Florida Georgia Kentucky Mississippi North Carolina South Carolina Tennessee	Alfreda Freeman or John Hund U.S. EPA, Region 4 61 Forsyth St, SW Atlanta, GA 30303 Phone: 404-562-8977 or 404-562-8994 Fax: 404-562-8972 or 404-562-8973	Caroline Robinson U.S. EPA, Region 4 61 Forsyth Street SW Mailcode: 4APT-AEB Atlanta, GA 30303 Phone: 404-562-9203 Fax: 404-562-9164
5	Illinois Indiana Michigan Minnesota Ohio Wisconsin	Phillip King U.S. EPA, Region 5 77 West Jackson Chicago, IL 60604 Phone: 312-353-9062 Fax: 312-353-4788	Rochelle Marceillars U.S. EPA, Region 5 77 West Jackson Blvd. Mailcode: AE-17J Chicago, IL 60604 Phone: 312-353-4370 Fax: 312-353-8289

6	Arkansas Louisiana New Mexico Oklahoma Texas	Neil Pflum U.S. EPA, Region 6 1445 Ross Avenue Dallas, TX 75202-2733 Phone: 214-665-2295 Fax: 214-665-6762	Martin Brittain U.S. EPA, Region 6 1445 Ross Avenue, Room 1200 Mailcode: 6T-ET Dallas, TX 75202 Phone: 214-655-7296 Fax: 214-655-2164
7	Iowa Kansas Missouri Nebraska	Larry Hacker U.S. EPA, Region 7 726 Minnesota Avenue Kansas City, KS 66101 Phone: 913-551-7602 Fax: 913-551-7065	Alice Law U.S. EPA, Region 7 726 Minnesota Avenue Mailcode: ARBR Kansas City, KS 66101 Phone : 913-551-7623 Fax: 913-551-7065
8	Colorado Montana North Dakota South Dakota Wyoming Utah	David Combs U.S. EPA, Region 8 999 18th Street Suite 500 Denver, CO 80202-2466 Phone: 303-312-6021 Fax: 303-312-6044	Brenda South U.S. EPA, Region 8 999 18th Street, Suite 500 Mailcode: 8ENF-T Denver, CO 80202 Phone: 303-312-6204 Fax: 303-312-6409
9	American Samoa Arizona California Guam Hawaii	Patricia Maravilla U.S. EPA, Region 9 75 Hawthorne Street San Francisco, CA 94105 Phone: 415-744-1122 Fax: 415-744-1073	Bob Trotter U.S. EPA, Region 9 75 Hawthorne Street Mailcode: A-3-3 San Francisco, CA 94105 Phone: 415-744-1145 Fax: 415-744-1076
10	Alaska Idaho Oregon Washington	Jayne Carlin U.S. EPA, Region 10 1200 Sixth Avenue Seattle, WA 98101 Phone: 206-553-4762 Fax: 206-553-8509	Kathy Johnson U.S. EPA, Region 10 1200 Sixth Avenue Mailcode: OAQ107 Seattle, WA 98101 Phone: 206-553-1757 Fax: 206-553-0110

Additional NESHAP Contacts:

Emission Standards Division Susan Zapata U.S. EPA Mailcode: MD-13 Research Triangle Park, NC 27711 Phone: 919-541-5167 Fax: 919-541-5600	Office of Enforcement Charlie Garlow U.S. EPA 401 M Street, SW. Mailcode: LE-134A Washington, DC 20460 Phone: 202-260-1088 Fax: 202-260-4201
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Source: U.S. Environmental Protection Agency website

NESHAP - <http://www.epa.gov/region4/air/asbestos/regabcon.htm>, updated June 4, 1999

AHERA - <http://www.epa.gov/region4/air/asbestos/racs4.htm>, updated April 30, 1999

Appendix C: EPA Regional Offices

Each EPA Regional Office is responsible within selected states for the execution of the Agency's programs, considering regional needs and the implementation of federal environmental laws.

Region 1 - responsible within the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

1 Congress St.
Boston, MA 02114-2023
Customer Call Center: 888-372-7341

Region 2 - responsible within the states of New Jersey, New York, Puerto Rico and the U.S. Virgin Islands

290 Broadway,
New York, NY 10007-1866;
Phone: 212-637-3000

Region 3 - responsible within the states of Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia

1650 Arch Street
Philadelphia, PA 19103-2029
Region 3 Public Access Line
(within the region only)
800-438-2474

Region 4 - responsible within the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104
Phone: 404-562-9900
1-800-241-1754

Region 5 - responsible within the states of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin

77 W. Jackson Blvd.
Chicago, IL 60604
Phone: 312-353-2000
1-800-621-8431

Region 6 - responsible within the states of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas

EPA Region 6 Main Office
1445 Ross Avenue
Suite 1200
Dallas, TX 75202
Phone: 214-665-2200

Region 7 - responsible within the states of Iowa, Kansas, Missouri, and Nebraska

901 N. 5th St.
Kansas City, KS 66101
Phone: 913-551-7003
800-223-0425

Region 8 - responsible within the states of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming

999-18th St. Suite 500
Denver, CO 80202-2466
Phone: 303-312-6312
1-800-227-8917

Region 9 - responsible within the states of Arizona, California, Hawaii, Nevada, and the territories of Guam and American Samoa

75 Hawthorne Street
San Francisco, CA 94105
Phone: 415-744-1500

Region 10 - responsible within the states of Alaska, Idaho, Oregon, and Washington

1200 6th Avenue
Seattle, WA 98101
Phone: 206-553-1200

Within the four-state region, call toll free:
1-800-424-4EPA

Source: U.S. Environmental Protection Agency website, updated May 8, 2000
<http://www.epa.gov/epahome/locate2.htm>

Appendix D: State Pesticide Regulatory Agencies

Alabama

Alabama Department of Agriculture
Division of Plant Protection and Pesticides
P.O. Box 3336
Montgomery, AL 36109-0336
334-240-7171

Alaska

Alaska Department of Environmental
Conservation
Environmental Health
500 S. Alaska St
Palmer, AK 99645-6340
907-745-3236

Arizona

Structural

Arizona Structural Pest Control
9545 East Double Tree Ranch Rd
Scottsdale, AZ 85258

Agricultural

Arizona Department of Agriculture
Environmental Services
1688 W. Adams
Phoenix, AZ 85007
602-255-3664
602-542-3579
800-223-0618

Arkansas

Arkansas State Plant Board
Division of Feeds, Fertilizers and Pesticides
#1 Natural Resource Dr., P.O. Box 1069
Little Rock, AR 72205
501-225-1598

California

California Dept. of Pesticide Regulation
830 N St.
Sacramento, CA 95814-351
Contact: County Agric. Commissioner

Colorado

Colorado Department of Agriculture
Division Plant Industry
700 Kipling St., Suite 4000
Lakewood, CO 80215-5894
303-239-4140

Connecticut

Connecticut Dept. of Environmental
Protection
Pesticide Division
79 Elm St.
Hartford, CT 06106
860-424-3369

Delaware

Delaware Department of Agriculture
2320 South Dupont Hwy.
Dover, DE 19901
302-739-4811
800-282-8685

Florida

Florida Department of Agriculture &
Consumer Services
Bureau of Entomology and Pesticides
644 Cesery Boulevard, Suite 200
Jacksonville, FL 32211
904-727-6592

Georgia

Georgia Department of Agriculture
Pesticide Division
19 Martin Luther King Dr., S.W.
Atlanta, GA 30334

Structural

404-656-9378

Agricultural

404-656-4958

Hawaii

Hawaii Department of Agriculture
Plant Industry Division of Pesticides
1428 S. King St. (P.O. Box 22159)
Honolulu, HI 96823-2159
808-973-9401

Idaho

Idaho Department of Agriculture
Division of Agricultural Resources
P.O. Box 7723
Boise, ID 83707
2270 Old Penitentiary Rd.
Boise, ID 83712
208-332-8590

Illinois**Structural**

Illinois Department of Public Health
Division of Public Health
525 W. Jefferson
Springfield, IL 62761

Agricultural

Illinois Department of Agriculture
Bureau of Environmental Programs
P.O. Box 19281
Springfield, IL 62794-9281
217-782-4674
800-641-3934

Indiana

Office of Indiana State Chemist
Purdue University
1154 Biochemistry Bldg.
W. Lafayette, IN 47907-1154
765-494-1594

Iowa

Iowa Department of Agriculture
Pesticide Bureau
Wallace Bldg.
Des Moines, IA 50319
515-281-8591

Kansas

Kansas State Board of Agriculture
Division of Plant Health
901S Kansas Ave., 7th Floor
Topeka, KS 66612-1281
913-296-2142

Kentucky

Kentucky Department of Agriculture
Division of Pesticides
100 Fair Oaks Ln., 5th Floor
Frankfort, KY 40601
502-564-7274

Louisiana

Louisiana Department of Agriculture
Pesticide & Environmental Programs
P.O. Box 3596
Baton Rouge, LA 70821-3596
504-925-4578

Maine

Maine Department of Agriculture
Pesticides Control
State House Station 28
Augusta, ME 04333
207-287-2731

Maryland

Maryland Department of Agriculture
Pesticide Regulation Section
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5710

Massachusetts

Massachusetts Department of Agriculture
Pesticides Bureau
100 Cambridge St., 21st Floor
Boston, MA 02202
617-727-3020 ext. 134

Michigan

Michigan Department of Agriculture
Pesticide and Plant Pest Management Division
P.O. Box 30017
Lansing, MI 48909
800-292-3939

Minnesota

Minnesota Department of Agriculture
Agronomy Services Division
90W Plato Blvd.
St. Paul, MN 55107
612-297-4870

Mississippi

Mississippi Department of Agriculture
Plant Industry Division
P.O. Box 5207
MS State, MS 39762
601-325-3390

Missouri

Missouri Department of Agriculture
Bureau of Pesticide Control
P.O. Box 630 - 1616 Missouri Blvd.
Jefferson City, MO 65102
573-751-2462

Montana

Montana Department of Agriculture
Agricultural Sciences Division
P.O. Box 200201
Helena, MT 59620-0201
406-444-2944

Nebraska

Nebraska Department of Agriculture
Bureau of Plant Industry
301 Centennial Mall
Lincoln, NE 68509
402- 471-2394
800-831-0550

Nevada

Nevada Department of Business and Industry
Division of Agriculture
350 Capitol Hill Ave.
Reno, NV 89502
775-688-1180

New Hampshire

New Hampshire Department of Agriculture
Division of Pesticide Control
P.O. Box 2042
Concord, NH 03302-2042
603-271-3550

New Jersey

New Jersey Dept. of Environmental Protection
Pesticide Control Program
22 South Clinton Ave.
3rd Floor
P.O. Box 411
Trenton, NJ 08625-0411
609-984-6568

New Mexico

New Mexico Department of Agriculture
Pesticide Bureau
P.O. Box 30005 3AQ NMSU
Las Cruces, NM 88003-8005
505-646-2133

New York

New York Department of Environmental
Conservation
Bureau Pesticides & Radiation
50 Wolf Rd., Rm. 498
Albany, NY 12233-7254
518-457-7482

North Carolina

North Carolina Department of Agriculture
Structural Pest Control Division
P.O. Box 27647
Raleigh, NC 27611
919-733-6100

North Dakota

North Dakota Department of Agriculture
Pesticide Division
State Capitol, 600 E. Blvd. 6th
Bismarck, ND 58505-0020
701-328-4756

Ohio

Ohio Department of Agriculture
Pesticide Regulation Section
8995 E. Main St.
Reynoldsburg, OH 43068
800-282-1955

Oklahoma

Oklahoma Department of Agriculture
Division Plant Industry
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
405-521-3864

Oregon

Oregon Department of Agriculture
Plant Division
635 Capitol St., N.E.
Salem, OR 97310-0110
503-986-4635

Pennsylvania

Pennsylvania Department of Agriculture
Bureau of Plant Industry
2301 N. Cameron St.
Harrisburg, PA 17110-9408
717-787-4843

Rhode Island

Rhode Island Dept. of Environmental Mgmt.
Division of Agriculture
22 Hayes St.
Providence, RI 02908
401-222-2782

South Carolina

South Carolina Department of Agriculture
Pesticide Regulation
Clemson University
511 Westinghouse Rd.
Pendleton, SC 29670
864-646-2150

South Dakota

South Dakota Department of Agriculture
Division of Agricultural Services, Foss Bldg
523 E. Capitol
Pierre, SD 57501-3188
800-228-5254
605-773-3724

Tennessee

Tennessee Department of Agricultural Plant
Industries
P.O. Box 40627 Melrose Station
Hogan Rd., Bruer Bldg.
Nashville, TN 37204
615-837-5512

Texas**Structural**

Texas Structural Pest Control Board
1106 Clayton Lane, Suite 100 LW
Austin, TX 78723

Agricultural

Texas Department of Agriculture
Pesticide Division
P.O. Box 12847
Austin, TX 78711
512-451-7200
800-835-5832

Utah

Utah Department of Agriculture
350 N. Redwood Rd.
P.O. Box 146500
Salt Lake City, UT 84114-6500
801-538-7187

Vermont

Vermont Department of Agriculture
Plant Industry Section
116 State St.
Montpelier, VT 05602
802-828-2431

Virginia

Virginia Department of Agriculture
Office of Pesticide Services
P.O. Box 1163
Richmond, VA 23209
802-828-2431
800-552-9963

Washington

Washington Department of Agriculture
Pest Management Division
P.O. Box 42560
Olympia, WA 98504-2560
360-902-2010

Washington, D.C.

Environmental Regulation Administration
Department of Consumer and Regulatory
Affairs
2100 Martin Luther King, Jr. Ave., S.E.
Rm. 203
Washington, DC 20020
202-645-6080

West Virginia

West Virginia Department of Agriculture
Pesticide Regulatory Program
1900 Kanawha Blvd. E.
Charleston, WV 25305-0190
304-558-2209

Wisconsin

Wisconsin Department of Agriculture
Agricultural Resources Mgmt. Division
P.O. Box 8911 2811 Agric. Dr.
Madison, WI 53708-8911
608-224-5012

Wyoming

Wyoming Department of Agriculture
Technical Services Division
2219 Carey Ave.
Cheyenne, WY 82002
307-777-7324

Puerto Rico

Puerto Rico Department of Agriculture
Agrological Laboratory
P.O. Box 10163
Santurce, PR 00908
787-796-1735

Virgin Islands

Pesticide Program Director
8000 Nisky Center, Suite 231
Estate Nisky, Charlotte Amalie
St. Thomas, US VI 00802
809-774-3320 ext. 135

Guam

Guam Environmental Protection
P.O. Box 22439-GMF
Barrigada, GU 96921
671-472-8863

American Samoa

Office of the Governor
American Samoa Government
P.O. Box 2609
Pago Pago, American Samoa 976
684-633-2304

**Commonwealth of the Northern
Marianas Islands**

Division of Environmental Quality
CNMI
P.O. Box 1304
Saipan, Marianas Islands 96950
670-234-6984

Source: National Pesticide Telecommunications Network website
<http://ace.orst.edu/info/nptn/state1.htm>

Appendix E: State Radon Contacts

Please note that the “800” numbers listed below are for in-state use only and are subject to change.

Native Americans living on Indian Lands should contact their Tribal Health Department or Housing Authority for assistance. See Tribal Radon Program Office information below.

Alabama

Alabama Dept. of Public Health
P.O. Box 303017
Montgomery, AL 36130-3017
334-206-5391
800-582-1866
Radon Contact: James McNees

Alaska

Alaska Dept. of Health and Social Services
Office of Radiological Health
P.O. Box 110613
Juneau, AK 99811-0613
907-465-3256
800-478-8324
Radon Contact: Kate Coleman

Arizona

Arizona Radiation Regulatory Agency
4814 S. 40th Street
Phoenix, AZ 85040
602-255-4845 x244
Radon Contact: John Stewart/
Gary Freeland

Arkansas

Arkansas Dept. of Health
4815 West Markham St., Slot 30
Little Rock, AR 72205-3867
501-661-2986
800-482-5400
Radon Contact: Steve Mack

California

California Dept. of Health Services
P.O. Box 942-732 (MS 396)
Sacramento, CA 94234-7320
916-324-2208, 800-745-7236
Radon Contact: J. Dave Quinton

Colorado

Colorado Dept. of Public Health and
Environment
Laboratory and Radiation Services Division
8100 Lowry Boulevard
Denver, CO 80220
800-846-3986
303-692-3040/3090
Radon Contact: Linda Martin

Connecticut

Connecticut Dept. of Public Health
P.O. Box 340308
Hartford, CT 06106-4474
860-509-7367
Radon Contact: Frank Homiski

Delaware

Delaware - Office of Radiation Control
P.O. Box 637
Dover, DE 19903
302-739-4731
800-464-4357
Radon Contact: Dr. Ramney Koul

District of Columbia

D.C. Dept. of Consumer and Regulatory
Affairs
Pharmacological, Radiation & Medical
Devices Control Division
614 H Street, N.W.
Room 1016
Washington, DC 20001
202-442-8993
Radon Contact: Norma Stewart

Florida

Florida Dept. of Health
Bureau of Environmental Toxicology
(H5ETR)
2020 Capital Circle, S.E. (Bin #C22)
Tallahassee, FL 32399-0700
850-488-1525
800-543-8279
Radon Contact: N. Michael Gilley

Georgia

Georgia Dept. of Natural Resources
Pollution Prevention Assistance
Division/P2AD
7 M.L. King Jr. Dr., Suite 450
Atlanta, GA 30334
800-745-0037
404-872-3549 - the phone will be
answered by a contractor (Southface
Energy Institute)
Radon Contact: David Gipson

Guam

Guam USA
P.O. Box 122439-GMF
Barrigada, GU 96911
671-475-1611
Contact: Peter Cruz

Hawaii

Hawaii Department of Health
Radiation Branch
591 Ala Moana Blvd.
Honolulu, HI 96813
808-586-4700
Radon Contact: Russell Takata

Idaho

Idaho Indoor Environment Program
P.O. Box 83720
Boise, ID 83720-0036
800-445-8647
208-332-7319
Radon Contact: Kara Bishop

Illinois

Illinois Dept. of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
800-325-1245
217-785-9958
Radon Contact: Richard Allen

Indiana

Indiana State Dept. of Health
Indoor & Radiological Health
2 North Meridian St., 5th Floor
Indianapolis, IN 46204-3003
800-272-9723
317-233-7147
Radon Contact: Mary Stiker

Iowa

Iowa Dept. of Public Health
Lucas State Office Building
321 E. 12th Street
Des Moines, IA 50319-0075
800-383-5992
515-281-3478
Radon Contact: Don Flater/
Joyce L. Spencer

Kansas

Kansas Dept. of Health and Environment
Radiation Control Program
Forbes Field, Bldg. 283
Topeka, KS 66620-0001
800-693-5343
785-296-1561
Radon Contact: Vick Cooper

Kentucky

Kentucky Dept. of Health Services
Environmental Management Branch
275 East Main Street
Frankfort, KY 40621
502-564-4856
Radon Contact: Douglas L. Jackson

Louisiana

Louisiana Dept. of Environmental Quality
P.O. Box 70884-2135
Baton Rouge, LA 70884-2135
800-256-2494
504-925-7042
Radon Contact: Matt Schlenker

Maine

Maine Radiation Control Program
#10 State House Station
157 Capitol Street
Augusta, ME 04333
800-232-0842
207-287-5676
Radon Contact: Robert Stilwell

Maryland

Maryland Dept. of the Environment
2500 Broenig Highway
Baltimore, MD 21224
(See the note below for telephone numbers)

Massachusetts

Massachusetts Dept. of Public Health
Radiation Control Program
305 South Street
Jamaica Plain, MA 02130
800-RADON95 [723-6695]
413-586-7525
Radon Contacts: Robert Hallisey/
Sean Chapel/William Bell

Michigan

Michigan Dept. of Environmental Quality
Drinking Water & Radiation Protection
Division
P.O. Box 30630 - CPH Mail Room,
Building 44
Lansing, MI 48909
800-723-6642
517-335-8037
Radon Contact: Sue Hendershott

Minnesota

Minnesota Dept. of Health
Division of Environmental Health
P.O. Box 64975
St. Paul, MN 55164-0975
800-798-9050
651-215-0911
Radon Contact: Laura Oatman

Mississippi

Mississippi Dept. of Health
Division of Radiation Health & Radon
Program
3150 Lawson Street
Jackson, MS 39213-5754
800-626-7739
601-987-6893
Radon Contact: Silas Anderson

Missouri

Missouri Dept. of Health
Bureau of Environmental Equity
930 Wildwood Drive
Jefferson City, MO 65109
800-669-7236
573-751-6160
Radon Contact: Gary McNutt

Montana

Montana Dept. of Environmental Quality
Occupational & Radiological Health Quality
P.O. Box 20091
Helena, MT 59620-0301
800-546-0483
406-444-6768
Radon Contact: Brian Green

Nebraska

Nebraska Dept. of HHS -
Regulation and Licensure
Public Health Assurance Division
301 Centennial Mall, South, 3rd Fl.
Lincoln, NE 68509-5007
800-334-9491
402-471-0594
Radon Contact: John O. Erickson

Nevada

Nevada State Health Division
Radiological Health Section
1179 Fairview Drive, Suite 102
Carson City, NV 89701-5405
702-687-5394 x275
Radon Contact: Adian Howe

New Hampshire

N.H. Dept. of Radiological Health
Health & Welfare Building
Six Hazen Drive
Concord, NH 03301-6527
800-852-3345 x4764
603-271-4674
Radon Contact: David Chase

New Jersey

N.J. Dept. of Environmental Protection
Radiation Protection Program, DESHAP
25 Arctic Parkway, CN415
Trenton, NJ 08625
800-648-0394
609-984-5425
Radon Contact: Anita Kopera

New Mexico

New Mexico Environment Dept.,
Community Services Bureau
525 Camino de los Marquez, Suite 5
Santa Fe, NM 87502
505-827-1563 x1071
Radon Contact: Jeanne-Marie Crockett
505-827-7541

New York

New York State Health Department
Bureau of Environmental Radiation
Two University Place, Rm. 240
Albany, NY 12203-339
800-458-1158 (local and toll free)
Radon Contact: Adela Salme-Alfie
<http://www.health.state.ny.us/nysdoh/radon/radonhom.htm>

North Carolina

North Carolina Division of Radiation
Protection
3825 Barrett Drive
Raleigh, NC 27609-7221
919-571-4141
Radon Contact: Dr. Felix Fong

North Dakota

North Dakota Dept. of Health
Environmental Health Section
P.O. Box 5520
Bismarck, ND 58502-5520
800-252-6325
701-328-5188
Radon Contact: Sandi Washek
or Ken Wangler

Ohio

Ohio Dept. of Health
Bureau of Diagnostics, Safety &
Performance Certification
P.O. Box 118
Columbus, OH 43215-0118
800-523-4439
614-466-0061
Radon Contact: Mark Needham

Oklahoma

Oklahoma Dept. of Environmental Quality
P.O. Box 1677
Oklahoma City, OK 73101-1677
405-702-5100
Radon Contact: Stephen Fernandez
405-702-5132

Oregon

Oregon Dept. of Human Resources
Health Division
800 N.E. Oregon Street, Suite 260
Portland, OR 97232
503-731-4014 x660
Radon Contact: Ray D. Paris

Pennsylvania

Pa. Dept. of Environmental Protection
Rachel Carson State Office Bldg.
400 Market Street, 13th Floor
Harrisburg, PA 17101
800-237-2366
717-783-3594
Radon Contact: Mike Pyles

Puerto Rico

Puerto Rico Radiological Health Div.
G.P.O. Call Box 70184
Rio Piedras, PR 00936
787-767-3563
Radon Contact: Jose Font

Rhode Island

Rhode Island Dept. of Health
Office of Occupational & Radiological Health
3 Capital Hill, Room 206
Providence, RI 02908
401-222-2438
Radon Contact: Edmond Arcand

South Carolina

South Carolina Dept. of Health &
Environment Radiological Laboratory
2600 Bull Street
Columbia, SC 29201
800-768-0362
803-898-3893
Radon Contact: Albert Craft or
Dr. John Brown, 803-898-0862

South Dakota

South Dakota Dept. of Environment
& Natural Resources
Joe Foss Building
523 E. Capitol, Room 217
Pierre, SD 57501
800-438-3367
605-773-7171
Radon Contact:
Barbara Regynski

Tennessee

Tenn. Dept. of Environment & Conservation

Div. of Pollution Prevention/
Environmental Awareness
401 Church Street, 8th Floor,
L&C Annex
Nashville, TN 37243-1551
800-232-1139
615-532-0733
Radon Contact: Marsha White

Texas

Texas Dept. of Health
Bureau of Radiological Control
1100 West 49th Street
Austin, TX 78756
800-572-5548
512-834-6600 x2444
Radon Contact: Gary L. Smith, Ph.D.

Utah

Utah Dept. of Environmental Quality
P.O. Box 144850
Salt Lake City, UT 84114-4850
800-458-0145
801-536-4250
Radon Contact: John Hultquist

Vermont

Vermont Department of Health
Division of Health Protection
108 Cherry Street, P.O. Box 70
Burlington, VT 05402
800-439-8550
802-865-7730
Radon Contact: Patty Jacobson

Virgin Islands

EPA Region 2 Office
212-637-4013

Virginia

Virginia Dept. of Health
Bureau of Radiological Health
1500 E. Main Street 240
Richmond, VA 23218
800-468-0138
804-786-5932
Radon Contact: Leslie Foldesi

Washington

Washington State Dept. of Health
Division of Radiation Protection
P.O. Box 47827
Olympia, WA 98504-7825
360-664-4536
Radon Contact: John Erickson

West Virginia

West Virginia Bureau of Public Health
Office of Environmental Health Services
815 Quarrier Street, Suite 418
Charleston, WV 25301
800-922-1255
304-558-3427
Radon Contact: Beattie Debord

Wisconsin

Wisconsin Division of Health
Dept. of Family Services
1 West St., P.O. Box 309
Madison, WI 53701-0309
888-569-7236
608-267-4796
Radon Contact: Conrad Weiffenbach or John Lorenz

Wyoming

Wyoming Dept. of Health
2300 Capitol Avenue
Hathaway Bldg., Room 486
Cheyenne, WY 82002-0710
800-458-5847
307-777-6015
Radon Contact: Debi Nelson

Tribal Radon Program Offices

Hopi Tribe (Arizona) - 520-734-2442 x635; Inter-Tribal Council of Arizona - 602-307-1527;
Navajo Nation - 520-871-7863; Duckwater Shoshone-Paiute Tribe - 702-863-0222 (Nevada)

Maryland Residents: Maryland has no statewide radon program so if you are a Maryland resident and have questions you can contact the U.S. Environmental Protection Agency (EPA) Philadelphia Regional office for assistance at 800-438-2474, ext. 2086 or 215-814-2090 to talk with someone about radon, radon testing, how to reduce your home's radon levels, and what to do in a real estate transaction. Montgomery County residents should contact the county's Department of Environmental Protection (DEP) Radon Program for assistance (we're sorry, the telephone numbers have changed and as of this update, do not have the new numbers). Montgomery County also has a website (www.co.mo.md.us/services/dep) that includes radon and other environmental information. Montgomery County residents can obtain radon documents from their Department of Environmental Protection.

Note: Some states "regulate" providers of radon measurement and mitigation service providers and measurement devices by requiring registration, certification, or licensing. Some of these states issue identification cards. Call your state to learn more. You can also contact the National Environmental Health Association's (NEHA) National Radon Proficiency Program at 800-269-4174 (radonprog@aol.com) or the National Radon Safety Board (NRSB) at 303-

423-2674 (info@nrsb.org) for more information on radon proficiency.

Source: U.S. Environmental Protection Agency website, updated April 7, 2000
<http://www.epa.gov/iaq/contacts.html>

Appendix F: Regional UST/LUST Program Contacts

U.S. Environmental Protection Agency
Office of Underground Storage Tanks

Region 1 - New England

(CT, MA, ME, NH, RI, VT)
U.S. EPA, New England
1903 John F. Kennedy Building
Mailcode: HBO
Boston, MA 02203-2211
Phone: 617-573-9604
Fax: 617-573-9662

Region 2 - Northeast & Caribbean Territories

(NJ, NY, PR, VI)
U.S. EPA, Region 2
Water Compliance Branch
290 Broadway
Mail Code: 2DECA-WCB
New York, NY 10007-1866
Phone: 212-637-4232
Fax: 212-637-3901

Region 3 - Mid-Atlantic

(DC, DE, MD, PA, VA, WV)
U.S. EPA, Region 3
1650 Arch Street
Mailcode: 3WC21
Philadelphia, PA 19103-2029
Phone: 215-814-3231
Fax: 215-814-3163

Region 4 - Southeast

(AL, FL, GA, KY, MS, NC, SC, TN)
U.S. EPA, Region 4
Water Management Division
Underground Storage Tank Section
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104
Phone: 404-562-9424
Fax: 404-562-9439

Region 5 - Midwest

(IL, IN, MI, MN, OH, WI)
U.S. EPA, Region 5
77 W. Jackson Boulevard
Mailcode: DRU-7J
Chicago, IL 60604-3590
Phone: 312-886-6136
Fax: 312-353-3159

Region 6 - South Central

(AR, LA, NM, OK, TX)
U.S. EPA, Region 6
First Interstate Bank Tower
1445 Ross Avenue, Suite 1200
Mail Code: 6PD-U
Dallas, TX 75202-2733
Phone: 214-665-6760
Fax: 214-665-7263

Region 7 - Central Plains

(IA, KS, MO, NE)
U.S. EPA, Region 7
ART/GUTS
726 Minnesota Avenue
Kansas City, KS 66101
Phone: 913-551-7651
Fax: 913-551-7947

Region 8 - Central Mountains

(CO, MT, ND, SD, UT, WY)
U.S. EPA, Region 8
999 18th Street, Suite 500
Mail Code: 8P2-W-GW
Denver, CO 80202-2466
Phone: 303-312-6137
Fax: 303-312-6741

Region 9 - West, Southwest & Pacific

Territories (AS, AZ, CA, HI, SP, GU, NV)

U.S. EPA, Region 9

75 Hawthorne Street

Mail Code: WST-8

San Francisco, CA 94105

Phone: 415-744-2083

Fax: 415-744-1044

Region 10 - Pacific Northwest

(AK, ID, OR, WA)

U.S. EPA, Region 10

1200 Sixth Avenue

Mail Code: WD-133

Seattle, WA 98101

Phone: 206-553-2857

Fax: 206-553-1280

Source: U.S. Environmental Protection Agency website, updated: May 21, 1999
<http://www.epa.gov/swerust1/regions/index.htm>

Appendix G: Environmental Laws and Regulations Pertaining to Rural Development

CERCLA, the Comprehensive Environmental Response, Compensation and Liability Act or SUPERFUND, is administered by the Environmental Protection Agency (EPA) and requires the cleanup of hazardous substances released into the air, soil, surface water and ground water. It imposes liability requirements on parties responsible for hazardous waste sites created in the past and establishes a fund for clean-up of abandoned sites. It also provides funds to respond to spills of hazardous substances.

The law was created by Congress in 1980 to clean up sites that are determined to contain highly toxic or hazardous wastes, such as those generated by the nuclear, chemical and other manufacturing industries. There are 1,200 sites currently listed as CERCLIS sites across the United States. EPA contracts with environmental engineering companies to plan, arrange for, and carry out clean-ups of the listed sites, if the owners of the sites fail to do so. These costs are then recovered by EPA through court order, if the agency can identify the polluter. Sixty-four such sites have been cleaned since 1981. Lists of CERCLIS sites within state boundaries are maintained by the departments within state governments charged with pollution control, ecology or environmental protection.

Clean Water Act enforces quality standards for all interstate and coastal waters by requiring discharge permits for factories, sewage treatment plants, and storm runoff. It sets minimum national effluent standards for each industry. It is administered by EPA and state governments.

Section 404 of the Clean Water Act is the major federal regulation governing wetlands. This regulation is administered jointly by the EPA and the U.S. Army Corps of Engineers. The law authorizes EPA to prohibit or restrict the use of a wetland for discharge of dredged or fill materials if EPA determines that the proposed discharge will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishing areas, wildlife, or recreational areas.

FIFRA, the Federal Insecticide, Fungicide and Rodenticide Act, administered by EPA, sets standards for pesticide products and allows EPA to restrict or ban substances that do not meet human health and environmental standards.

RCRA, the Resource Conservation and Recovery Act, including Hazardous and Solid Waste Amendments, is administered by EPA. It regulates generators and transporters of hazardous waste, owners and operators of treatment, storage and disposal facilities (TSDs or hazardous waste landfills), disposal of solid and hazardous wastes to land and also groundwater contamination around treatment, storage and disposal facilities.

SARA, the Superfund Amendments and Reauthorization Act of 1986, created a new Superfund Innovative Technology Evaluation (SITE) program and directed EPA to select permanent treatment technologies for land disposal of hazardous waste.

SARA Title III, the Emergency Planning and Community-Right-to-Know Act, requires factories and businesses to report to government about chemical inventories and the environmental release of certain chemicals.

TSCA, Toxic Substances Control Act, section 6 (e), passed by Congress in 1976, directed EPA to regulate PCBs, as a significant risk to public health and the environment. It also regulates asbestos.

REQUEST FOR ENVIRONMENTAL INFORMATION

Name of Project
Location

- Item 1a.** Has a Federal, State, or Local Environmental Impact Statement or Analysis been prepared for this project?
 Yes No Copy attached as EXHIBIT I-A.
- 1b.** If "No." provide the information requested in Instructions as EXHIBIT I.
- Item 2.** The State Historic Preservation Officer (SHPO) has been provided a detailed project description and has been requested to submit comments to the appropriate Rural Development Office. Yes No Date description submitted to SHPO _____
- Item 3.** Are any of the following land uses or environmental resources either to be affected by the proposal or located within or adjacent to the project site(s)? (Check appropriate box for every item of the following checklist).

	Yes	No	Unknown		Yes	No	Unknown
1. Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19. Dunes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20. Estuary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Residential..	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	21. Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	22. Floodplain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Grazing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	23. Wilderness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Mining, Quarrying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>(designated or proposed under the Wilderness Act)</i>			
7. Forests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	24. Wild or Scenic River	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Recreational	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>(proposed or designated under the Wild and Scenic Rivers Act)</i>			
9. Transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	25. Historical, Archeological Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>(Listed on the National Register of Historic Places or which may be eligible for listing)</i>			
11. Hospital	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	26. Critical Habitats	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Schools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>(endangered /threatened species)</i>			
13. Open spaces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	27. Wildlife	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Aquifer Recharge Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	28. Air Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Steep Slopes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	29. Solid Waste Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Wildlife Refuge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	30. Energy Supplies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Shoreline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	31. Natural Landmark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Beaches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>(Listed on National Registry of Natural Landmarks)</i>			
				32. Coastal Barrier Resources System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Item 4. Are any facilities under your ownership, lease, or supervision to be utilized in the accomplishment of this project, either listed or under consideration for listing on the Environmental Protection Agency's List of Violating Facilities? Yes No

(Date)

Signed: _____
(Applicant)

(Title)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collections is 0575-0094. The time required to complete this information collection is estimated to average 6 to 10 hours 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.

INSTRUCTIONS FOR PREPARING FORM RD 1940-20

Federal agencies are required by law to independently assess the expected environmental impacts associated with proposed Federal actions. It is extremely important that the information provided be in sufficient detail to permit Rural Department to perform its evaluation. Failure to provide sufficient data will delay agency review and a decision on the processing of your application.

This information request is designed to obtain an understanding of the area's present environmental condition and the project's elements that will affect the environment. Should you believe that an item does not need to be addressed for your project, consult with the RD office from which you received this Form before responding. In all cases when it is believed that an item is not applicable, explain the reasons for this belief.

It is important to understand the comprehensive nature of the information requested. Information must be provided for a) the site(s) where the project facilities will be constructed and the surrounding areas to be directly and indirectly affected by its operation and b) the areas affected by any primary beneficiaries of the project. The amount of detail should be commensurate with the complexity and size of the project, and the magnitude of the expected impact. Some examples:

A small community center project may not require detailed information on air emissions, meteorological conditions and solid waste management.

A water resource, industrial development, or housing development project will require detailed information.

Item 1a - Compare the Environmental Impact Statement or Analysis that was previously prepared with the information requested in the instructions for Item 1b below to be sure that every point in the information request is covered in the Environmental Impact Statement or Analysis. If any of the requested information is not covered, attach to the Environmental Impact Statement or Analysis a supplemental document that corrects any deficiencies or omissions.

Item 1b - Provide responses to the following items in the order listed and attach as EXHIBIT I. In order to understand the full scope of the land uses and environmental factors that need to be considered in responding to these items, it may be helpful to complete Item 3 of the Form before completing these narrative responses. If your application is for a project that Rural Development has classified as a Class I action, complete only parts (1), (2), (13), (15), (16), and (17) of this Item. The Rural Development office from which you received this Form can tell you if your application falls within the Class I category.

(1) Primary Beneficiaries

Identify any existing businesses or major developments that will benefit from the proposal, and those which will expand or locate in the area because of the project. These businesses or major developments hereafter will be referred to as primary beneficiaries.

(2) Area Description

- (a) Describe the size, terrain, and present land uses as well as the adjacent land uses of the areas to be affected. These areas include the site(s) of construction or project activities, adjacent areas, and areas affected by the primary beneficiaries.
- (b) For each box checked “Yes” in item 3, describe the nature of the effect on the resource. If one or more of boxes 17 through 22 is checked “Yes” or “Unknown,” contact Rural Development for instructions relating to the requirements imposed by the Floodplain Management and Wetland Protection Executive Orders.
- (c) Attach as Exhibit II the following: 1) a U.S. Geological Survey “15 minute” (“7 1/2 minute” if available) topographic map which clearly delineates the area and the location of the project elements; 2) the Federal Emergency Management Administration’s floodplain map(s) for the project area; 3) site photos; 4) if completed, a standard soil survey for the project area; and 5) if available, an aerial photograph of the site. If a floodplain map is not available, contact Rural Development for additional instructions relating to the requirements imposed by the Floodplain Management Executive Order.

(3) Air Quality

- (a) Provide available air quality data from the monitoring station(s) either within the project area or, if none exist nearest the project area.
- (b) Indicate the types and quantities of air emissions to be produced by the project facilities and its primary beneficiaries. If odors will occur, indicate who will be affected.
- (c) Indicate if topographical or meteorological conditions hinder the dispersal of air emissions.
- (d) Indicate the measures to be taken to control air emissions.

(4) Water Quality

- (a) Provide available data on the water quality of surface or underground water in or near the project area.
- (b) Indicate the source, quality, and available supply of raw water and the amount of water which the project is designed to utilize.
- (c) Describe all of the effluents or discharges associated with the project facilities and its primary beneficiaries. Indicate the expected composition and quantities of these discharges prior to any treatment processes that they undergo and also prior to their release into the environment.

- (d) Describe any treatment systems which will be used for these effluents and indicate their capacities and their adequacy in terms of the degree and type of treatment provided. Indicate all discharges which will not be treated. Describe the receiving waters and their uses (e.g., recreational) for any sources of treated and untreated discharge.
 - (e) If the treatment systems are or will be inadequate or overloaded, describe the steps being taken for necessary improvements and their completion dates.
 - (f) Describe how surface runoff will be handled if not discussed in (d) above.
- (5) Solid Waste Management
- (a) Indicate the types and quantities of solid wastes to be produced by the project facilities and its primary beneficiaries.
 - (b) Describe the methods for disposing of these solid wastes plus the useful life of such methods.
 - (c) Indicate if recycling or resource recovery programs are or will be used.
- (6) Transportation
- (a) Briefly describe the available transportation facilities serving the project area.
 - (b) Describe any new transportation patterns which will arise because of the project.
 - (c) Indicate if any land uses, such as residential, hospitals, schools or recreational, will be affected by these new patterns.
 - (d) Indicate if any existing capacities of these transportation facilities will be exceeded. If so, indicate the increased loads which the project will place upon these facilities, particularly in terms of car and truck traffic.
- (7) Noise
- (a) Indicate the major sources of noise associated with the project facilities and its primary beneficiaries.
 - (b) Indicate the land uses to be affected by this noise.
- (8) Historic/Archeological Properties
- (a) Identify any known historic/archeological resources within the project area that are either listed on the National Register of Historic Places or considered to be of local and state significance and perhaps eligible for listing in the National Register.
 - (b) Attach as EXHIBIT III any historical/archeological survey that has been conducted for the project area.

(9) Wildlife and Endangered Species

- (a) Identify any known wildlife resources located in the project area or its immediate vicinity.
- (b) Indicate whether to your knowledge any endangered or threatened species or critical habitat have been identified in the project area or its immediate vicinity.

(10) Energy

- (a) Describe the energy supplies available to the project facilities and the primary beneficiaries.
- (b) Indicate what portion of the remaining capacities of these supplies will be utilized.

(11) Construction

Describe the methods which will be employed to reduce adverse impacts from construction, such as noise, soil erosion and siltation.

(12) Toxic Substances

- (a) Describe any toxic, hazardous, or radioactive substances which will be utilized or produced by the project facilities and its primary beneficiaries.
- (b) Describe the manner in which these substances will be stored, used, and disposed.

(13) Public Reaction

- (a) Describe any objections which have been made to the project.
- (b) If a public hearing has been held, attach a copy of the transcript as EXHIBIT IV. If not, certify that a hearing was not held.
- (c) Indicate any other evidence of the community's awareness of the project such as through newspaper articles or public notification.

(14) Alternatives to the Proposed Project

Provide a description of any of the following types of alternatives which were considered:

- (a) Alternative locations.
- (b) Alternative designs.
- (c) Alternative projects having similar benefits.

(15) Mitigation Measures

Describe any measures which will be taken to avoid or mitigate any adverse environmental impacts associated with the project.

(16) Permits

- (a) Identify any permits of an environmental nature which are needed for the project.
- (b) Indicate the status of obtaining each such permit and attach as EXHIBIT V any that have been received.

(17) Other Federal Actions

Identify other federal programs or actions which are either related to this project or located in the same geographical area and for which you are filing an application, have recently received approval, or have in the planning stages.

Item 2 - All applicants are required to provide the State Historic Preservation Officer (SHPO) with (a) a narrative description of the project's elements and its location, (b) a map of the area surrounding the project which identifies the project site, adjacent streets and other identifiable objects, (c) line drawings or sketches of the project and (d) photographs of the affected properties if building demolition or renovation is involved. This material must be submitted to the SHPO no later than submission of this Form to Rural Development . Additionally, the SHPO must be requested to submit comments on the proposed project to the Rural Development office processing your application.

Item 3 - Self-explanatory.

Item 4 - Self-explanatory.

Development and Implementation of
Natural Resource Management Guide

1. The State Director shall complete the natural resource management guide within 12 months from the effective date of this Subpart and issue the guide as a State supplement after prior approval by the Administrator. A summary of the basic content, purposes, and uses of the guide is contained in §1940.305 of this Subpart. The guide shall be prepared in draft form and be provided for review and comment to USDA agencies, appropriate Federal and State agencies, State and regional review agencies assigned the consultation requirements of Executive Order 12372, as well as interested localities, groups, and citizens. Also at least one public information meeting shall be held on the draft which shall be followed by a 30-day period for the submission of public comments. Public notification of this meeting shall be made in the same manner as the notification process for a scoping meeting. (See §1940.320(c) of this Subpart). Additionally, the public shall be informed that copies of the draft guide will be made available from the State Office upon request. After completion of this public review, the draft will be revised as necessary in light of the comments received and provided as a final draft State Supplement to the Administrator for review and approval. Any concerns and comments of the Administrator will be addressed by the State Director and the guide completed. Upon the Administrator's approval and the fulfillment of the requirements of paragraph 4. of this Exhibit, the natural resource management guide shall then become part of any program investment strategies developed by the State Director for the purpose of addressing the rural needs of the state. Although a 12-month period has been established for the completion of a natural resource management guide, this deadline is not to be construed as curtailing or postponing the implementation of existing environmental laws, regulations, Executive orders or the Departmental Regulation 9500-3, Land Use Policy, with respect to individual project reviews, nor giving anyone any rights or claims with respect to the completion or content of the guide.

2. The natural resource management guide needs to be developed in full recognition of its role as an internal Agency planning tool and with sensitivity to the Agency's mission.

3. After the Administrator approves the natural resource management guide, it will become effective 4 months from that date. This interim period shall be used to inform local, State, and Federal agencies, localities, organizations, and interested citizens of the content of the guide. In

this manner, those parties intending to seek Rural Development assistance or to coordinate Rural Development assistance programs with their own programs will be able to gain for their planning needs an understanding of our guide.

4. Completed natural resource management guides shall be reviewed every 2 years and updated by the State Director to reflect newly identified geographical areas of concern or policy revisions at the national, State, regional or local level. They will also be revised, as necessary, through appropriate guidance from the Administrator. Revisions shall be transmitted to the Administrator for postapproval and shall be considered approved if either no comments are raised by the administrator within 30 days of receipt of the State Director's transmittal letter or the Administrator specifically approves them before the 30 days expire. Public review of a revision will not be required. However, if in the opinion of the State Director the proposed revision will substantially change the previously adopted natural resource management guide, a public review shall be conducted of the revision in the same manner as that described in paragraph 1 of this Exhibit for the development of the original guide. Such review shall occur prior to the transmittal of the revision to the Administrator. If the State Director believes that at the expiration of any 2-year review period there is need to update the guide, a statement to this effect shall be filed with the Administrator.

5. The foundation for the natural resource management guide is the identification of the types of land uses or environmental factors deserving attention and their geographical location within the State. An inventory or listing shall be developed, therefore, of the important land uses within the State. This inventory will be accomplished by assembling existing data and information compiled by those Federal, State, and local agencies that have jurisdiction or expertise regarding the land uses or environmental factors. At a minimum, the inventory shall consist of available documents, listings, maps, or graphic materials describing the location of the following:

- a. National Register of Historic Places to include monthly supplements as designated by the Department of the Interior (DOI), and the State Historic Preservation Plans. This list is issued as a State Supplement to Subpart F or Part 1901 of this Chapter.
- b. Rivers designated as part of the Wild and Scenic Rivers System and rivers under study for inclusion in the system, as published by DOI;
- c. Important farmlands;

- d. Prime rangelands;
- e. Prime forestlands;
- f. Wetland inventory;
- g. Floodplain inventory as issued by the Federal Emergency Management Administration;
- h. Endangered Species and Critical Habitats as listed or proposed for listing by the Department of Commerce (DOC) and DOI;
- i. Sole source aquifer recharge areas as designated by the Environmental Protection Agency (EPA);
- j. Air Quality Control Regions as designated by EPA;
- k. National Registry of Natural Landmarks as published by DOI;
- l. Coastal Barrier Resources System;
- m. State inventories or planning documents identifying important land uses, particularly those not covered by the above items, such as wildlife refuges, important habitats, and areas of high water quality, or scenic or recreational value;
- n. Agricultural districts or other similar zoning classifications for agricultural land protection; and
- o. Coastal Zone Management Areas.

6. The Administrator shall be responsible for assisting State Directors in obtaining listings and inventories of resources protected by Federal statutes and regulations. The State Director has the responsibility for assembling documents on important environmental resources or areas identified in State and substate laws, regulations, plans, and policies.

7. Development of the inventory by the State Director will require consultation and assistance from a variety of agencies and experts. This consultation should begin with Department agencies and be accomplished through appropriate, State-level USDA committees. The objective should be to determine the land classification data that has been compiled and that which is in the process of being compiled either by USDA agencies or their counterparts

at the state level. The Memorandum of Understanding executed in May 1979 between the Soil Conservation Service (SCS) and Rural Development should be utilized as the basis for seeking SCS's assistance in this data collection effort. (See RD Instruction 2000-D, Exhibit A, which is available in any Rural Development Office.) Direct contacts should then be made with State agencies, in particular with the appropriate office of State planning, to determine the availability of State inventories and State land use policies and priorities. Similar discussions should be held with substate regional planning agencies and clearinghouses with assistance being provided in this effort by District Directors. County Supervisors shall contact local officials and shall be responsible for being familiar with and for assembling similar inventories, land use policies, or protective requirements developed by the local government agencies within the supervisor's territorial jurisdiction.

8. Another important element of the natural resource management guide shall be the examination of any major environmental impacts on the State or a substate area resulting from the cumulative effects of Rural Development-assisted projects over the last several years. In this examination, particular emphasis should be given to the cumulative impacts of water resource projects such as irrigation systems. This should be done in consultation with experts within the appropriate State agencies and the U.S. Geological Survey. The housing programs should also be given a particular emphasis with respect to their cumulative impacts. More detailed guidance on the accomplishment of this cumulative impact section of the natural resource management guide, as well as the overall content of the guide, shall be provided by the Administrator. In preparing the State's natural resource management guide and in assembling inventories of critical resources, Agency staff should not lose sight of the basic purposes of this effort. The development of lengthy and complex guides and the amassing of huge inventories is not our goal. In the end, the material must be useable and serve as a tool for better decision making. The basic purposes of this guide and inventory, then, are to provide a basis for developing comprehensive, statewide, rural development investment strategies that (i) do not conflict with Federal, State, and local mandates to preserve and protect important land and environmental resources, (ii) that do not create short- or long-term development pressures which would lead to the unnecessary conversion of these resources, and (iii) which effectively support and enhance Federal, State, and local plans to preserve these resources.

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
AND OF
INTENT TO REQUEST RELEASE OF FUNDS

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND OF INTENT TO
REQUEST RELEASE OF FUNDS

(date of publication)

(name, address, zip code and telephone number of certifying officer)

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or about (date of the end of the comment period) the (name of Responsible Entity (RE)) will authorize (name of the recipient) to submit a request to the U.S. Department of Housing and Urban Development to release Federal Funds under the Self-Help Homeownership Opportunity Program (authorized by Section 11 of the Housing Opportunity Program Extension Act of 1996 (P.L. 104-120))for the following project:

(project, title or name)

(purpose/nature of project)

(identify project by address or major streets, city, county, and state)

(estimate cost of project)

(project summary)

FINDING OF NO SIGNIFICANT IMPACT

An environmental review for this project has been made by (name of RE) and is available for public examination and copying at the offices of (the name of the sub-recipient, with address included) and at (name of the RE), at the above address. Based on this review, (name of RE) has determined that a request for release of funds will not significantly affect the quality of the human environment and hence, an environmental impact statement will not be undertaken under the National Environmental Policy Act of 1969 (P.L. 91-9 10).

The reasons for the decision not to prepare an environmental impact statement area as follows:

1. Development of new lots will benefit the low income residents of (locality).

2. By providing infrastructure support, housing costs will remain affordable to low income residents.
3. _____
(any additional mitigating factors)

PUBLIC COMMENTS ON FINDING

All interested agencies, groups or persons disagreeing with these decisions are invited to submit written comments for consideration by (ending date of comment period). All comments must clearly specify to which decision they object: the Finding of No Significant Impact or the Request for Release of Funds. All comments so received will be considered by (name of RE) prior to its taking any administrative action or (name of recipient) requesting release of funds on the date listed immediately above.

RELEASE OF GRANT FUNDS

(Name of recipient) will undertake the project described above with funds from the U.S. Department of Housing and Urban Development (HUD), under the Self-Help Homeownership Opportunity Program. (Name of RE) consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action: and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, (name of sub-recipient) may use SHOP funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969 and other environmental responsibilities listed in 24 CFR Part 58. HUD will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases:

- a. That the certification was not in fact executed by the chief execution officer or other officer of (name of RE);
- b. That (name of RE)'s environmental review record for the project indicated omission of a required decision finding or step applicable to the environmental review process, or
- c. Another Federal Agency has submitted written comments pursuant to Section 309 of the Clean Air Act or Section 201 (c) of NEPA.

Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58), and may be addressed to the Department of Housing and Urban Development, (address of HUD office with jurisdiction). Objections to the release of funds on bases other than these stated above will not be considered and objections received after 15 days from the date of request for funds listed above will not be considered by HUD.

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This guide provides basic information about environmental concerns relevant to the rural housing developer. It includes considerations relating to the health and safety of residents as well as those relating to protection of the natural environment. It includes suggestions about ways to conduct preliminary or detailed research about a site.

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