Contamination and Toxic Substances (Single Family Properties)

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

1. **Were any on-site or nearby toxic, hazardous, or radioactive substances[1] (excluding radon) found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**
   Provide a map or other documentation of absence or presence of contamination[2] and explain evaluation of site contamination in the Worksheet below.

   ☐ No

   Explain:

   → *Continue to the next question.*

[1] This question covers the presence of radioactive substances excluding radon. Radon is addressed in question 2.

[2] Utilize EPA's Enviromapper and state/tribal databases to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Additional supporting documentation may include other inspections and reports.

☐ Yes

→ *Describe the findings, including any recognized environmental conditions (RECs), in Worksheet Summary below. Continue to the next question.*

☐ Check here if an ASTM Phase I Environmental Site Assessment (ESA) report was utilized. [Note: HUD regulations does not require an ASTM Phase I ESA report for single family homes]

2. **Evaluate the building(s) for radon. Do all buildings meet any of the exemptions[3] from having to consider radon in the contamination analysis listed in CPD Notice CPD-23-103?**

☐ Yes

Explain:

→ *If **no** non-radon contamination was found, the review is in compliance with this section. Continue to the Worksheet Summary below. If non-radon contamination **was** found, continue to the Mitigation question.*

[3]

- Buildings with no enclosed areas having ground contact.
- Buildings containing crawlspaces, utility tunnels, or parking garages would not be exempt, however buildings built on piers would be exempt, provided that there is open air between the lowest floor of the building and the ground.
- Buildings that are not residential and will not be occupied for more than 4 hours per day.
- Buildings with existing radon mitigation systems: document radon levels are below 4.0 pCi/L with test results dated within two years of submitting the application for HUD assistance and document the system includes an ongoing maintenance plan that includes periodic testing to ensure the system continues to meet the current EPA recommended levels. If the project does not require an application, document test results dated within two years of the date the environmental review is certified. Refer to program office guidance to ensure compliance with program requirements.
- Buildings tested within five years of the submission of application for HUD assistance:
    - test results document indoor radon levels are below current the EPA's recommended action levels of 4.0 pCi/L. For buildings with test data older than five years, any new environmental review must include a consideration of radon using one of the methods in Section A below.

☐ No

→ *Continue to the following question.*

3. **Is the proposed project new construction or substantial rehabilitation where testing will be conducted but cannot yet occur because building construction has not been completed?**

   ☐ Yes

   → *Compliance with this section is conditioned on post-construction testing being conducted, followed by mitigation, if needed. Radon test results, along with any needed mitigation plan, must be included in the Environmental Review Record.*

   ☐ No

   → *Continue to the next question.*

4. **Was radon testing or a scientific data review conducted that provided a radon concentration level in pCi/L?**

   ☐ Yes

   → *Continue to the next question.*

   ☐ No

   If no testing was conducted and a review of science-based data offered a lack of science-based data for the project site, then document and include the steps taken to look for documented test results and science-based data as well as the basis for the conclusion that testing would be infeasible or impracticable.

   Explain:

   → *If **no** non-radon contamination was found, the review is in compliance with this section. Continue to the Worksheet Summary below. If non-radon contamination **was** found, continue to the Mitigation question below.*

5. How was radon data collected?

☐ All buildings involved were tested for radon

→ *Continue to question six below.*

☐ A review of science-based data was conducted

Enter the Radon concentration value, in pCi/L, derived from the review of science-based data: [ ]

Provide the documentation[4] used to derive this value:

[ ]

→ *If Radon concentration value above is **less than** 4.0 pCi/L AND no non-radon contamination was found then based on the response, the review is in compliance with this section. Continue to the Screen Summary at the bottom of this screen.*

*If Radon concentration value above is 4.0 pCi/L **or greater** radon mitigation is required. Continue to the Mitigation question.*

6. Were the radon test results for any dwelling unit tested at or above 4.0 pCi/L?

☐ Yes

Radon mitigation is required. Continue with the prompts directly below.

Enter the total number of dwelling units tested:

[ ]

How many dwelling units tested at or above 4.0 pCi/L:

[ ]

[4] For example, if you conducted radon testing then provide a testing report (such as an ANSI/AARST report or DIY test) if applicable (note: DIY tests are not eligible for use in multifamily buildings), or documentation of the test results. If you conducted a scientific data review, then describe and cite the maps and data used and include copies of all supporting documentation. Ensure that the best available data is utilized, if conducting a scientific data review.

Enter the highest radon test result value:

Document the test results for all dwelling units tested with a copy of the test results for all dwelling units or testing report(s) covering all units.

☐ No

Provide a copy of the test results for all dwelling units tested or testing report(s) covering all units tested.

→ *If **no** non-radon contamination was found, the review is in compliance with this section. Continue to the Screen Summary at the bottom of this screen.*

*If non-radon contamination **was** found, continue to the Mitigation question.*

7. Mitigation

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

For instances where radon mitigation is required (i.e. where test results demonstrated radon levels at 4.0 pCi/L and above), then you must include a radon mitigation plan.[5]

Can all adverse environmental impacts be mitigated?

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

☐ Yes, all adverse environmental impacts can be eliminated through mitigation, and/or consideration of radon and radon mitigation, if needed, will occur following construction.
→ Provide all **mitigation requirements**[6] and documents in the Screen Summary at the bottom of this screen.

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[5] Refer to CPD Notice CPD-23-103 (with link to it at https://www.hud.gov/sites/dfiles/CPD/documents/CPD_Notice_on_Addressing_Radon_in_the_Environmental_Review_Process.pdf) for additional information on radon mitigation plans.

[6] Mitigation requirements include all clean-up requirements required by applicable federal, state, tribal, or local law. Additionally, please upload, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

8. **Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls[7], or use of institutional controls[8].**

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

☐ Complete removal
☐ Risk-based corrective action (RBCA)
☐ Other

→ *Continue to the Worksheet Summary.*

[7] Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, caps, covers, dikes, trenches, leachate collection systems, radon mitigation systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, slurry walls and ground water pumping systems.

[8] Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

Worksheet Summary

Compliance Determination

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

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Are formal compliance steps or mitigation required?

☐ Yes

☐ No