

INSTRUCTIONS FOR COMPLETING ENVIRONMENTAL REVIEW TIER 2 PARTNER WORKSHEETS

I. BACKGROUND AND GENERAL INSTRUCTIONS

MaineHousing has received a new Lead Hazard Reduction Grant ("Federal Lead Grant") from HUD running from February 3, 2020 through August 3, 2023. An environmental review of each property to be assisted with Lead Grant funds is required.

Before any activity on a project funded with Federal Lead can commence, an environmental review of each property must be initiated by the CAA. A CAA must not enter into any binding contracts or agreements with Applicants, contractors or any other person or entity relating to the project, solicit bids for any project work, perform any work or take any other physical action on a property for which an Application for assistance with Lead Program funds has been submitted, or close a Grant until the CAA receives an environmental review acceptance notification from MaineHousing. See *Federal and State Lead Program Guidance and Procedures* (Lead Guide), Section A9(D) and Section B6(A).

HUD recently underwent a renovation of the Environmental Review process. As a result, CAAs (Partners) are required to complete and provide documentation specified in certain HUD Tier 2 Partner Worksheets as part of the environmental reviews of properties for which Lead Grant funds will be used.

II. MAINEHOUSING ENVIRONMENT REVIEW WORKSHEET BUNDLES

MaineHousing has combined the applicable Tier 2 Worksheets into one ***Environmental Review Worksheets Bundle*** for use with Federal Lead projects. Individual HUD Worksheets are available at <https://www.hudexchange.info/resource/5119/environmental-review-record-related-federal-laws-and-authorities-partner-worksheets/>.

IMPORTANT: Not all Tier 2 Worksheets listed on HUD's website are required for environmental reviews of Maine Federal Lead projects. CAAs only need to complete the HUD Worksheets contained in MaineHousing's Environmental Review Worksheets Bundle (posted on the CAA Portal). These are HUD's forms; please do not make any changes to the form or use any other form for environmental reviews of properties to be assisted with Federal Lead funds.

III. HUD ENVIRONMENTAL REVIEW PARTNER WORKSHEET

A. Project Information Worksheet

1. Project Information

- a. *Project Name:* Enter the project's physical address.
- b. *Applicant/Grant Recipient:* Enter the Applicant name.
- c. *Point of Contact:* Enter the Applicant's contact name and phone number.
- d. *Consultant:* Enter the CAA Inspector Name (risk assessor who performed the visual inspection of the property and surrounding area).
- e. *Point of Contact:* Enter the CAA name, address, phone number and email and the CAA staff person completing the ER Worksheets.

2. HUD Program Information

- a. *Grant or Project Number:* MELHB0741-19
- b. *HUD Program:* LBPH

3. Estimated Total HUD Funded Assisted or Insured Amount

Enter estimated project cost to be paid by MaineHousing’s Federal Lead Program.

4. Project Location

a. Enter the project address.

b. If the project has more than one property address: Provide a narrative explaining the circumstances.

Example 1, The address for Unit 1 is [address] and the address for Units 2, 3 and 4 is [address].

Example 2, The address for Building A is 265 Smith St, Anytown, Maine and the address for Building B is 285 Smith St, Anytown, Maine.

5. Description of the Proposed Project

a. If there is only one building on the property: Provide a description of the property’s physical appearance, location, condition, and layout. Be as specific as possible.

Multi-Family Example: Property is located at 265 Smith St. in the town of Anytown, Maine. This is a multi-family project with one building containing four (4) units on the property. The building was constructed in 1925, is in good condition, and appears to have been well maintained. The building is situated on an approximate ³/₄ acre and accesses public water and sewerage.

Single-Family Example: Property is located at 27 East St. in the town of Anytown, Maine. This is a single-family project with one residence building on the property. The dwelling was constructed in 1904 and is in good condition. The property is situated on approximately 2 acres with drilled well and septic system.

b. If there are multiple buildings on the property: Provide a description of the property’s physical appearance, location, condition, and layout. Be as specific as possible.

Multi-Family Example: Property is located at 265 Smith St. in the town of Anytown, Maine. This is a multi-family project for two buildings on the property. Building A contains four (4) units and Building B contains (4) units. Both buildings were constructed in 1935, are in good condition, and appears to have been well maintained. The buildings are situated on approximately ¹/₂ acre and accesses public water and sewerage.

Single-Family Example: Property is located at 27 Main St. in the town of Anytown, Maine. This is a single-family project with one residence building and a detached garage on the property. The dwelling was constructed in 1925 and is in good condition. The property is situated on a town lot and uses public water and sewerage.

6. Does this project involve over 200 lots, dwelling units, or beds?

Check “yes” or “no.”

7. Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws of Authorities

Skip. MaineHousing will review all ER submissions for completeness and compliance. The CAA need take no additional action on this section, except to complete all applicable worksheets and provide required documentation.

B. Flood Insurance (CEST and EA) Worksheet

NOTE: MaineHousing’s Federal Lead Program does not allow funding assistance for single-family homes or multi-family buildings located in a FEMA-designated Special Flood Hazard Area (SFHA) indicated as Zone A or V on FEMA flood maps. If a site is located in a SFHA, it will not be eligible for funding under the Federal Lead Program. Since the Federal Lead Program will not provide funding for sites located in a SFHA, flood insurance will not be required for any project site.

As part of the Tier 2 project-level review, MaineHousing will access the FEMA resources described in HUD’s *Floodplain Maps for HUD Projects*, procedures set out in that HUD document, and will use the best available information as described in that document in determining the location of a project site relative to a SFHA.

1. **Question 1**

The answer will always be “Yes.” *Continue to Question 2.*

2. **Question 2**

The answer will always be “No.” *Continue to Worksheet Summary.*

3. **Question 3**

Skip.

4. **Worksheet Summary**

- a. *Map panel numbers and dates:* Provide a FEMA Map showing the site. Refer to the [FEMA Map Service Center](#) to obtain flood zone information in the form of FEMA Flood Insurance Rate Maps (FIRMs).
- b. *Names of all consulted parties and relevant consultation dates:* Not applicable.
- c. *Names of plans or reports and relevant page numbers:* Include Lead Design Plan with ER.
- d. *Any additional requirements specific to your program or region:* Not applicable.

5. **Include all documentation supporting your findings in your submission to HUD.**

Enter “See attached FEMA Map for panel #xxxxxxx, dated mm/dd/yyyy.”

6. **Required Documentation**

- a. FEMA/FIRM Floodplain Map for project (with floodplain zone designation, panel number and date.
- b. Lead Design Plan.

C. Contamination and Toxic Substance Worksheet

NOTE: CAA are required to consult with the property owner and conduct a visual inspection of the property to determine whether there are toxic, hazardous or radioactive substances found on or near the property that could affect the health and safety of project occupants or conflict with the intended use of the property. MaineHousing’s *Contamination and Toxic Substance Inspection Report*¹ which must be submitted as part of the environmental review for each project to satisfy HUD requirements.

1. **Question 1**

Check the applicable box(es). *Continue to Question 2.*

¹ MaineHousing’s *Contamination and Toxic Substance Inspection Report*¹ is included in the Worksheet Bundle and can be downloaded from the CAA Portal.

2. Question 2

Check applicable box.

- a. *If “No” is selected, enter explanation. Continue to the Worksheet Summary.*

Example: A visual inspection of the property and surrounding area indicate there are no toxic, hazardous, or radioactive substances found that could affect the health and safety of the project occupants or conflict with the intended use of the property. See the attached *Contamination and Toxic Substances Inspection Report*.

- b. *If “Yes” is selected, enter findings.*

3. Question 3

[Skip](#). MaineHousing will answer.

4. Question 4

[Skip](#). MaineHousing will answer.

5. Worksheet Summary

- a. *Map panel numbers and dates:* MaineHousing will provide NEPAssist Map.
- b. *Names of all consulted parties and relevant consultation dates:* [Not applicable](#).
- c. *Names of plans or reports and relevant page numbers:* [Provide Lead Design Plan](#).
- d. *Any additional requirements specific to your program or region:*
- MaineHousing will provide documentation required to satisfy compliance, including but not limited to DEP and EPA reports.
 - MaineHousing will provide multi-family (5 Units) or more documentation.

6. Include all documents supporting your findings.

[Provide an explanation regarding to your answer to Question 1.](#)

Example: “A visual inspection was conducted by the Lead Risk Assessor, who concluded there were no potential hazards observed. See the attached *Contamination and Toxic Substance Inspection Report*.”

7. Required Documentation

- a. *Provided by CAA:*
- Completed *Contamination and Toxic Substance Inspection Report*.
 - Lead Design Plan(s)
 - Any other reports available to CAA.
- b. *Provided by MaineHousing:*
- NEPAssist Map(s) screening results.
 - EPA, DEP and other reports, as applicable.
 - For multi-family properties only (with 5 or more units), documentation listing previous uses of the property site, with copies of maps, local government records, and/or documentation of interviews.

8. Contamination and Toxic Substance Review Guidelines

The Federal Lead Program scope is limited to lead hazard remediation and other minor rehabilitation of existing, occupied single-family homes and occupied units in existing multi-family buildings on developed lots.

As part of the Tier 2 project-level review, CAAs are required to conduct the following due diligence for each single-family and multi-family property enrolled in the Federal Lead Program:

- (1) An on-site field (visual) inspection of the interior and exterior of the property to determine the presence of the following:
 - (a) dumps, landfills, industrial sites, or other locations (such as gas stations or dry cleaners) containing or potentially releasing toxic or hazardous substances near the property and whether any such facilities are upgradient or downgradient of a project site;
 - (b) vents or pipes (other than natural gas piping);
 - (c) monitoring wells (small diameter wells drilled into the ground used to monitor groundwater and water quality);
 - (d) distressed vegetation;
 - (e) tanks, drums or other containers (including information on any label or a statement that a container is unlabeled);
 - (f) pits, trenches, or any waste pond;
 - (g) stained soil, lawn areas, or pavement;
 - (h) petroleum or other pungent, noxious or foul odors;
 - (i) dumped material (including a description of that material); and
 - (j) mounds of dirt, rubble, or fill.
- (2) MaineHousing will consult the following resources:
 - (a) NEPAassist screening at <https://www.epa.gov/nepa/nepassist>.²
 - (b) Maine Department of Environmental Protection (DEP) on-line resources review, including the Division of Remediation Sites List and the Spill Reports Master List from <http://www.maine.gov/dep/maps-data/data.html> for the project property and adjacent properties, including those across the street from the project site. If a Spill Report lists the address of the site and/or any nearby property, the DEP's "HOSS" (Hazardous and Oil Spill System) database at <https://www.maine.gov/dep/hoss/> will be accessed to pull up the spill report for more information.
- (3) In addition, for multi-family properties (5 or more units), MaineHousing will consult one or more of the following resources to determine previous uses of the property: (a) on-line Sanborn maps available on the Library of Congress' website at <https://www.loc.gov/collections/sanborn-maps/?fa=location%3Amaine>; (b) local government records, such as assessor, code enforcement and fire department records; and (c) interviews with persons familiar with the property.
- (4) **Note:** In the event that information discovered during the due diligence review of a property indicates a potential for contamination, MaineHousing will ask its environmental consultant, CES, Inc., to conduct a further review of records and perform limited further on-site investigations, as appropriate, and any contamination will be addressed to assure that occupants of properties enrolled in the Program are not adversely affected by the hazards.

² NEPAassist is a tool that facilitates the environmental review process and project planning in relation to environmental considerations. The web-based application draws environmental data dynamically from EPA Geographic Information System databases and web services and provides immediate screening of environmental assessment indicators for a user-defined area of interest.

D. Historic Preservation (CEST and EA) Worksheet

1. Summary

- a. The Program scope is limited to lead hazard remediation and other minor rehabilitation of existing, occupied single-family homes and occupied units in existing multi-family buildings on developed lots, as detailed in the Project Summary.
- b. As part of the Tier 2 project-level review, Section 106 review of a project by the Maine State Historic Preservation Officer (SHPO) will be requested, using the form required by the SHPO. Additional information will be provided as may be requested by the SHPO. In the event the SHPO makes a finding of no adverse effect (instead of a finding that no historic properties will be affected), the Program will strive to comply with any conditions of the no adverse effect finding (for example, using specific types of replacement windows in connection with lead hazard remediation). In the event such compliance is not achievable because it is not cost-effective or cannot meet Program rehabilitation standards, for example, and accordingly results in an adverse effect finding, adverse effects will be resolved under the procedures of 36 CFR §800.6.
- c. The Worksheet provides a comprehensive overview of the process and instructions. Please review carefully and consult the *Section 106 Process* contained in the Worksheet
- d. Because none of the lead hazard remediation and other minor rehabilitation work under the Program will result in ground disturbance, tribal consultation is not required. CAAs may skip Step 1 of the Worksheet; MaineHousing will complete the Tribal Checklist for each project on HUDs required system of record.

2. Is Section 106 review required for your project?

Select Yes. *Continue to Step 1.*

3. Step 1

List all organizations and individuals that you believe may have an interest in the project:

Enter "Maine Historical Preservation Office." *Continue to Step 2.*

4. Step 2

- a. **Provide a preliminary definition of the Area of Potential Effect (APE), either by entering the address(es) or providing a map depicting the APE.** Enter "N/A. Evaluation conducted by Maine Historical Preservation Office, See attached SHPO Report."
- b. **In the space below, list historic properties identified and evaluated in the APE.** Enter "N/A."
- c. **Was a survey of historic buildings and/or archeological sites done as part of the project?** Click "No." *Continue to Step 3.*

5. Step 3

Select the appropriate option based on the SHPO report received from the Maine Historic Preservation Office and attach the corresponding SHPO report.

6. Step 4

Skip.

7. Required Documentation

SHPO Form (revised March 2020).

IV. ENVIRONMENTAL REVIEW SUBMISSION/REVIEW PROCESS

1. CAA conducts an environmental review for each property eligible to be funded with the Federal Lead Grant and completes the HUD Worksheets contained in the *Environmental Review Worksheet Bundle* posted on the CAA Portal.
2. CAA uploads the completed HUD Worksheets and required documentation as one file bundle and uploads the file to the CAA's Federal and State Lead Programs > Environmental Review ShareFile folder. Naming protocol: [CAA] ER for [property street address_property city].
3. MaineHousing downloads the ER from the CAA's ShareFile folder.
4. MaineHousing EHS staff will review the ER for completeness, and documents the review findings on MaineHousing's *Environmental Review Checklist* and on HUD's required system of record. In the event that follow-up is required, MaineHousing will reach out to the "Point of Contact" identified on the Program Information Worksheet."
5. MaineHousing will upload ER results to the agency's Environmental Review ShareFile folder:
 - a. If ER is approved and work can commence on the project, MaineHousing will upload the approved *ER Clearance Letter* to the Environmental Review ShareFile subfolder.
 - i. If ER is incomplete (additional information is required), MaineHousing will upload MaineHousing's *Environmental Review Checklist* containing the open items to the Environmental Review ShareFile subfolder.

NOTE: CAA must reconcile any open items before MaineHousing can commence further ER processing for the project.
 - ii. If ER is denied and work cannot commence on the project, MaineHousing will upload denial notification containing the denial reason to the Environmental Review ShareFile subfolder.

NOTE: Only assigned CAA staff will receive email notifications whenever a document is uploaded to ShareFile's Environmental Review subfolder. CAA Housing Directors must email EHS Housing@mainehousing.org to request a change in ShareFile access.
 - b. If the CAA has not heard from MaineHousing within ten (10) business days from the submission of an Environmental Review, contact Kim Ferenc, Manager of Housing and Weatherization at 207-626-4684 or EHS Housing@mainehousing.org.