

## Environmental Review Compliance Guidance and Statutory Checklist Requirements

**DIRECTIONS:** See below for statutory factors compliance guidance, checklist requirements, links to instructions for completing necessary supporting documentation, and links to additional resources and applicable forms. **Upon completion, all compliance documentation and corresponding checklist, must be uploaded to the Environmental Review Record (ERR) in [GEARS](#).** See [Related Federal Laws and Authorities](#) (on the HUD Exchange), [HUD WISER Modules](#) and contact the Vermont Community Development Program’s [Environmental Officer](#) for additional guidance.

**Compliance Factors and Sources:**

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and § 58.6	Compliance Guidance and Checklist Requirements
<p><b>Historic Preservation</b> [36 CFR Part 800] Source Site: <a href="#">VCDP Programmatic Agreement with the Vermont Division for Historic Preservation</a></p>	<p><b><u>Historic Preservation Compliance Guidance</u></b></p> <ul style="list-style-type: none"> <li>• All projects <b>must</b> include a <a href="#">§106 Preliminary Review Form (PRF)</a> signed by the Vermont Division for Historic Preservation (or from the Environmental Officer for concurrence of Exempt properties and/or activities).</li> <li>• If there is a potential for Historic Architectural or Archaeological Properties to be affected, consultation from a qualified consultant is required. Please see the <a href="#">list</a> of Vermont Community Development Program (VCDP) Approved Consultants.</li> <li>• If the §106 PRF completed for your project identifies that additional consultation is needed and you are unfamiliar with the <a href="#">Section 106 Process</a>, be sure to review the <a href="#">Tips for a Successful Section 106 Review</a> guidance document.</li> <li>• One tribe has interest in Vermont with respect to potential for archaeological resources. The Stockbridge-Munsee Community has interest in Rutland, Addison and Bennington counties.             <ul style="list-style-type: none"> <li>○ Project activities that trigger the need to consult these tribes include significant ground disturbance and new construction in undeveloped natural areas (<b>NOTE:</b> See full list of activities in Appendix E of the <a href="#">VCDP Programmatic Agreement with the Vermont Division for Historic Preservation</a>).</li> </ul> </li> </ul> <p><b><u>Historic Preservation Checklist Requirements</u></b></p> <ul style="list-style-type: none"> <li>• Determination as indicated on Vermont Community Development Program – Section 106 Preliminary Review Intake Form (include date the form was signed)</li> <li>• Summary and conclusion(s) of additional architectural and/or archaeological review/investigation (if applicable)</li> <li>• Required mitigation measures (if applicable)</li> </ul>

<p><b>Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and § 58.6</b></p>	<p><b>Compliance Guidance and Checklist Requirements</b></p>
<p><b>Floodplain Management</b>  <a href="#">[Executive Order 11988; 24 CFR Part 55]</a>                      Source Sites: <a href="#">FEMA Map Service Center</a></p>	<p><b><u>Floodplain Management Compliance Guidance</u></b></p> <ul style="list-style-type: none"> <li>• All projects must include a FFSST report from the <a href="#">Federal Flood Standard Support Tool (FFSST)</a> to determine the appropriate vertical flood elevation and corresponding horizontal FFRMS floodplain. <b>FFSST Report</b> will include FFRMS BFE.</li> <li>• If no FFSST available                             <ul style="list-style-type: none"> <li>• use <a href="#">FEMA Map Service Center</a> or <a href="#">Vermont Agency of Natural Resources (ANR) Atlas Mapping Tool</a> to create flood map and find BFE. FEMA provided preliminary or pending FIRM, FIS, or advisory flood elevations are also appropriate.</li> <li>• Consult the applicable DEC <a href="#">Floodplain Manager</a> if the project location is unmapped or if there is any uncertainty of a project’s BFE</li> </ul> </li> <li>• For projects that are located in the floodway, HUD funding cannot be used unless the project qualifies as a functionally dependent use (such as a marina, port facility, waterfront park, bridge, dam or stream bank restoration).</li> <li>• IF project elevation is EQUAL TO OR LOWER than floodplain that results from adding 2 feet to BFE (3 feet for critical actions), the 8 step process is required (<a href="#">8-Step Decision-Making Process Guidance.</a>) If the project elevation is HIGHER THAN FFRMS floodplain elevation, then floodplain management compliance is complete.</li> <li>• If the project involves <b>new construction or substantial improvement</b>, elevation requirements apply.</li> <li>• If FEMA has not mapped the area, then use best available information. Documentation supporting this must be kept in the Environmental Review Record (ERR).</li> </ul> <p><b><u>Floodplain Management Checklist Requirements</u></b></p> <ul style="list-style-type: none"> <li>• FSST Report (includes FIRM Data) or if no FFSST data available, FIRMette map #, panel #, and effective date with flood zone</li> <li>• Elevation Certificate/ Floodproofing certificate</li> <li>• Summary and conclusions of 8-step, 5-step and/or any additional review/investigation (if applicable)</li> <li>• Required mitigation measure</li> <li>• All multifamily and residential health care projects in the FFRMS floodplain also require an <a href="#">evacuation plan</a>.</li> </ul>

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<p><b>Wetland Protection</b>                      [Executive Order 11990; 3 CFR, §§ 2, 5]                      Source Sites: <a href="#">NWI Mapper</a></p>	<p><b><u>Wetland Protection Compliance Guidance</u></b></p> <ul style="list-style-type: none"> <li>• <b>Ground disturbing activities</b> that have the potential to impact on site or nearby wetlands include: <b>new construction, expansion of a buildings footprint, draining, dredging, channelizing, filling, diking, impounding and related activities</b>. If a project involves these activities, a National Wetlands Inventory (NWI) Map with an outline of the project area (<a href="#">Steps on How to Make a Wetlands Map</a>) is required. A Vermont <a href="#">ANR Atlas</a> Map looking at wetlands should also be created.</li> <li>• Additionally, for projects that involve ground disturbance, a site visit to identify any potential wetlands must be conducted. All wetlands are protected, even if they’re not mapped. The site visit should consider the presence of drainage ways, streams, rivers, ponds, marshes, bogs, swamps, or other wetlands.</li> <li>• If wetlands and/or potential for wetlands are identified and project activities have the potential to impact, the appropriate <a href="#">District Wetlands Ecologist</a> must be consulted for further guidance.</li> <li>• If wetlands on or adjacent to the site, or their buffers, will be impacted as a result of project activities, the 8-Step Decision Making Process must be completed, which includes an analysis of alternatives and the proposed action, and two public notices. See <a href="#">8-Step Decision-Making Process Guidance</a>.012</li> </ul> <p><b><u>Floodplain Management Checklist Requirements</u></b></p> <ul style="list-style-type: none"> <li>• Determination of if project activities have potential to impact wetlands (see <b>bolded list</b> of activities above)</li> <li>• Determination of presence/absence of wetlands on or near proposed project location</li> <li>• Impacts, potential impacts, or avoidance of impacts to wetlands within or adjacent to the project area (if applicable)</li> <li>• Summary and conclusions of 8-step and any additional review/investigation (if applicable)</li> <li>• Required mitigation measures (if applicable)</li> </ul>
<p><b>Coastal Zone Management Act</b>                      [16 U.S.C. 1451, §§ 307(c), (d)]</p>	<p>NA—Vermont is not located near a coastal zone.</p>
<p><b>Sole Source Aquifers</b>                      [40 CFR Part 149]</p>	<p>NA—Vermont does not have any designated sole source aquifers.</p>

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<p><b>Endangered Species Act</b> [50 CFR Part 402] Source Sites: <a href="#">Information, Planning, and Conservation System (IPaC)</a></p>	<p><b><u>Endangered Species Compliance Guidance</u></b></p> <ul style="list-style-type: none"> <li>• An Official Species List from US Fish and Wildlife Service is required for all projects (<a href="#">Steps on How to Request an Official Species List</a>).</li> <li>• If the Official Species List identifies potential for <i>any</i> threatened or endangered species to be present, excluding bats, please consult with <a href="#">Jodi Shippee</a>. If threatened or endangered bats are identified as a potential to occur at the project location AND are potentially impacted by the project activities, please consult with <a href="#">Alyssa Bennett</a> to receive additional guidance.</li> </ul> <p><b><u>Endangered Species Checklist Requirements</u></b></p> <ul style="list-style-type: none"> <li>• List of all threatened and/or endangered species identified on the Official Species List</li> <li>• Description of identified specie(s) habitat requirements and how/if habitat may be impacted by the proposed project activities</li> <li>• Finding of effect: 1) No Effect (this finding can be made through consultation with VT ANR); 2) May Affect, Not Likely to Adversely Affect; or 3) May Affect, Likely to Adversely Affect (<b>NOTE:</b> If any threatened or endangered species are identified, this section needs to clearly conclude one of these three possible findings of effect).</li> <li>• Summary and conclusions of additional review/investigation (if applicable)</li> <li>• Required mitigation measures (if applicable)</li> </ul>
<p><b>Wild and Scenic Rivers Act</b> [16 U.S.C. 1271, §§ 7(b), (c)] Source Sites: <a href="#">National Wild and Scenic River System</a>; <a href="#">Missisquoi &amp; Trout Rivers Management Plan</a></p>	<p><b><u>Wild and Scenic Rivers Compliance Guidance</u></b></p> <ul style="list-style-type: none"> <li>• Compliance for this regulation is triggered if the project area is within one-quarter mile of the river bank for the following project activities: <b>acquisition, new construction, change of land use, major rehabilitation, demolition, reconstruction/redevelopment and new infrastructure or expansion projects</b> (dams, road, bridges, water/sewer main lines). Impacts also need to be considered if a project is upstream, downstream or located in a tributary of a designated Wild &amp; Scenic River.</li> <li>• 46.1 miles of the Upper Missisquoi and Trout Rivers are designated as Wild and Scenic (Franklin and Orleans Counties) <ul style="list-style-type: none"> <li>○ Create a map showing the project’s proximity from the Wild &amp; Scenic designated portions using the Wild &amp; Scenic Rivers layer in <a href="#">NEPAssist</a> mapping tool.</li> </ul> </li> <li>• This regulation also requires consideration of potentially eligible rivers listed on the <a href="#">National Rivers Inventory</a> (NRI). A river segment is potentially eligible if it has at least one outstandingly remarkable value. If a project is within close</li> </ul>

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	<p>proximity to any river segment listed on the NRI, a determination of if a project renders the river ineligible is required.</p> <ul style="list-style-type: none"> <li>• Ultimately, it is the responsible entity’s responsibility to ensure that effects on designated Wild &amp; Scenic and NRI rivers are avoided, although the National Park Service (NPS) can assist with this process. Projects with the potential to have direct and adverse effect within the Wild and Scenic or NRI River boundaries, invade the area or unreasonably diminish the river outside the Wild and Scenic boundaries, should consult with the NPS, Northeast Regional Office (<a href="#">James MacCartney</a> and <a href="#">Jamie Fosburgh</a>) to ensure avoidance or mitigation of adverse effects. See <a href="#">NPS’s Consultation Instructions</a>.</li> </ul> <p><b><u>Wild and Scenic Rivers Checklist Requirements</u></b></p> <ul style="list-style-type: none"> <li>• List all identified Wild &amp; Scenic and NRI rivers within ¼ mile of the proposed project (for NRI rivers, include which outstandingly remarkable value(s) that the river has been determined to have)</li> <li>• Summary of correspondence with NPS Northeast Regional Office (if applicable)</li> <li>• Summary and conclusions of additional review/investigation (if applicable)</li> <li>• Required mitigation measures (if applicable)</li> </ul>
<p><b>Air Quality</b> [Clean Air Act, Section 176 (c)(d), 40 CFR Parts 6, 51, 93]</p>	<p>NA—According to the Air Pollution Control Division of the Vermont Department of Environmental Conservation, Vermont has no “non-attainment” or “maintenance areas.”</p>
<p><b>Farmland Protection</b> [7 CFR Part 658] Source Sites: <a href="#">NRCS Soils Report</a></p>	<p><b><u>Farmland Protection Compliance Guidance</u></b></p> <ul style="list-style-type: none"> <li>• Compliance with this regulation is triggered if a project involves <b>new construction, acquisition</b> of undeveloped land, or <b>conversion</b>, that could potentially convert one land use to another.</li> <li>• Exempt Areas/Locations: Urban areas or areas that have already been developed significantly (an area is considered significantly developed if there are 30 structures/40 acres or more). Urban areas are identified on <a href="#">TIGERweb</a> (web-based system from the Census Bureau).</li> <li>• Exempt Activities:             <ul style="list-style-type: none"> <li>○ Purchase, maintenance renovation or replacement of existing structures</li> <li>○ Construction limited to on-farm structures needed for farm operations</li> <li>○ Construction limited to new minor secondary (accessory) structures such as a garage or storage shed</li> <li>○ Project on land used for water storage</li> <li>○ Project on land already in or committed to urban development (<a href="#">7 CFR 658.2(a)</a>). <i>This exemption does not</i></li> </ul> </li> </ul>

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	<p><i>include areas simply zoned for development.</i></p> <ul style="list-style-type: none"> <li>• If compliance is triggered and the project does not qualify under exempt areas or activities, a Natural Resources Conservation Services (NRCS) soils report is required (<a href="#">Steps on How to Make a Soils Report</a>).</li> <li>• If agricultural lands (farmland of statewide or local importance, prime, or unique farmland soils) are identified, additional investigation is required. Fill out the Farmland Conversion Impact Rating <a href="#">AD-1006 Form</a> (fill in all Sections labeled “To be completed by Federal Agency”), and submit it to <a href="#">Chadd Cupit</a> Natural Resources Conservation Service. If the project is limited to “corridor-type” activities (ex. installation of a water or sewer line), a <a href="#">NRCS-CPA-106 Form</a> should be submitted to Chadd Cupit.</li> </ul> <p><b><u>Farmland Protection Checklist Requirements</u></b></p> <ul style="list-style-type: none"> <li>• Determination of if project activities trigger compliance (see <b>bolded list</b> of activities above)</li> <li>• Determination of if project area or activities qualify as exempt</li> <li>• Determination of presence/absence farmland of statewide or local importance, prime, or unique farmland soils on the proposed project location</li> <li>• Score of completed AD-1006 or NRCS-CPA-106 Form (if applicable)</li> <li>• Summary and conclusions of additional review/investigation (if applicable)</li> <li>• Required mitigation measures (if applicable)</li> </ul>
<p><b>Explosive and Flammable Hazards</b>                      [24 CFR Part 51, Subpart C]                      Source Sites: <a href="#">HUDs Acceptable Separation Distance Guidebook</a>, <a href="#">ASD Calculator</a>, <a href="#">ASD User Guide</a>, <a href="#">HUD’s Explosive &amp; Flammable Hazards Worksheet</a></p>	<p><b><u>Explosive and Flammable Hazards Compliance Guidance</u></b></p> <ul style="list-style-type: none"> <li>• This regulation is triggered with <b>development, new construction</b> (including projects intended for residential, institutional, recreation, commercial or industrial use), <b>rehabilitation</b>, (that results in an increase in people demonstrated by either the congregation of people, increase in residential density, or making a vacant building habitable), or <b>conversion to residential use</b>; or if the project involves a hazardous facility (a facility that mainly store, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries).</li> <li>• This regulation focuses on the presence of conventional fuels or chemicals of an explosive or flammable nature (most commonly propane tanks) that have the potential to impact people or buildings associated with a project. All current <i>or planned</i> stationary aboveground storage tanks (ASTs) within 1 mile of the project site, should be considered if:                             <ul style="list-style-type: none"> <li>○ More than 100-gallon capacity, containing <a href="#">hazardous substances under 24 CFR Part 51.201</a>, OR                                     <ul style="list-style-type: none"> <li>▪ The capacity threshold at which <b>propane</b> ASTs need to be considered is tanks more than 250-gallons (not 100-gallons), per a Waiver the State of Vermont was granted from HUD (for CDBG and HOME programs) effective August 3, 2017.</li> </ul> </li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>○ Of any capacity, containing hazardous liquids or gases that are <b>not common</b> liquid industrial fuels (HUD does not provide a list of these substances).</li> <li>• This is a complicated regulation to satisfy because a database that records the presence of all ASTs does not exist. Therefore, <b>a site visit is required</b>. Publicly available satellite imagery (ex. Google Maps) can also assist in identifying ASTs within the project vicinity.</li> <li>• Additionally, a NEPAAssist report can be created to identify possible Resource Conservation Recovery Act (RCRA) sites (<a href="#">Steps on How to Identify RCRA Facilities</a>). Verify the actual location of RCRA facilities in relation to the project site and use all available resources to determine what hazardous substances are kept on site. Often, Local Fire Departments can provide information about facilities storing hazardous substances.</li> <li>• If ASTs containing hazardous substances greater than 100 gallons (or ASTs containing propane of greater than 250 gallons) are identified, the Acceptable Separation Distance (ASD) needs to be calculated (see HUD’s <a href="#">ASD Calculator</a>). Mitigation is required if any ASD’s encroach the project’s building(s) or recreational area(s).</li> <li>• An aerial map should be provided showing all applicable ASTs and their corresponding ASDs.</li> <li>• This regulation is non-applicable for 1-4 unit housing projects that have ASTs that are used for a building function (heating, cooking, water heating, etc.).</li> </ul> <p><b><u>Explosive and Flammable Hazards Checklist Requirements</u></b></p> <ul style="list-style-type: none"> <li>• Determination of if project activities trigger compliance (see <b>bolded activities</b> above)</li> <li>• Complete list of ASTs of 100 gallons or greater identified within the project vicinity, their contents and their ASD relative to the project location (if applicable)</li> <li>• Required mitigation measures (if applicable)</li> </ul>

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<p><b>Noise</b>                      [24 CFR Part 51, Subpart B &amp; Noise Control Acts of 1972]                      Source Sites: <a href="#">Site DNL Calculator</a>; <a href="#">2018 VTrans Traffic Data</a>; <a href="#">Patrick Leahy Burlington International Airport Noise Contour Map</a> <a href="#">Sound Transmission Classification Assessment Tool</a></p>	<p><b><u>Noise Compliance Guidance</u></b></p> <ul style="list-style-type: none"> <li>• Compliance with this regulation is triggered with <b>new construction, substantial rehabilitation of an existing residential property</b>, or if a project qualifies as a <b>noise sensitive use</b> (i.e., <b>housing, mobile home parks, nursing homes, hospitals, and other non-housing uses where quiet is integral to the project’s function, e.g., libraries</b>).</li> <li>• If project activities trigger compliance, current noise level calculations are required. If the DNL calculation is above 65dB (or 55dB for outdoor residential areas), mitigation may be required (<a href="#">Steps on How to Calculate Noise Levels</a>).</li> <li>• In noise level calculations, major roadways within 1,000 feet of the project location must be considered. In addition, railroads and airports must be considered if within 3,000 feet or 15 miles, respectively.</li> <li>• Point in time noise measurements are <b>not</b> comparable to a noise calculation. Noise measurements performed by an acoustical consultant are never to be used to refute or confirm noise calculations.</li> </ul> <p><b><u>Noise Checklist Requirements</u></b></p> <ul style="list-style-type: none"> <li>• Determination of if project activities trigger compliance (see <b>bolded list</b> of activities above)</li> <li>• Determination of if project qualifies as a noise-sensitive use (see <b>bolded list</b> of examples above)</li> <li>• DNL calculation of proposed project location (if applicable)</li> <li>• List of Noise Sources considered in DNL calculation (Road Names, Railroad Crossing #'s and/or Airports)</li> <li>• Summary and conclusions of additional review/investigation (if applicable)</li> <li>• Required mitigation measures (if applicable)</li> </ul>
<p><b>Toxic Sites</b>                      [24CFR Part 58, Section 5(i)(2)]                      Source Sites: <a href="#">Lead</a>; <a href="#">Asbestos</a>; <a href="#">Mold</a>; <a href="#">Choosing an Environmentally Safe Site</a></p>	<p><b><u>Toxic Sites Compliance Guidance</u></b></p> <ul style="list-style-type: none"> <li>• All projects that involve multi-family residences (5+ units), non-residential properties (such as commercial properties, a municipal property, or vacant land), or acquisition require completion of a Phase I Environmental Site Assessment (ESA), completed in accordance with <b>ASTM E 1527-13</b> (a Vapor Encroachment Screening, in accordance with <b>ASTM E2600-10</b>, needs to be included as part of the Phase I ESA). However, it is encouraged that a Phase I ESA be completed for all projects, if possible. <b>The Phase I ESA must be completed by an <a href="#">Environmental Professional</a>.</b></li> <li>• It is recommended that you review the following document prior to hiring an Environmental Professional for a Phase I ESA: <a href="#">Using a Phase I Environmental Site Assessment to Document Compliance with HUD Environmental Standards at</a></li> </ul>



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	<p><a href="#">24 CFR 58.5(i)(2) or 50.3(i)</a>.</p> <ul style="list-style-type: none"> <li>• Some non-scope considerations you <u>may</u> want to ask your environmental consultant to include in the project’s Phase I ESA include: asbestos, radon, lead-based paint, regulatory health and safety compliance; continuing obligation or ongoing responsibilities, state and local compliance responsibilities related to toxic or hazardous substances, or corrective action relating to past noncompliance on the property, indoor air quality and mold.</li> <li>• If Recognized Environmental Conditions (RECs) are identified in the Phase I ESA, consultation with the Vermont Department of Environmental Conservation, Site Management Section (SMS) and a Phase II ESA will be required. If elevated levels of contamination are identified, a clean-up plan, typically a Corrective Action Plan (CAP), is required.             <ul style="list-style-type: none"> <li>○ If (a) REC(s) is/are identified, plan for <b>30 days</b> to allow for DEC SMS to review and comment on the <b>Phase I ESA and proposed work plan for the Phase II ESA</b> (both documents are needed for DEC’s review).</li> <li>○ After the Phase II work plan has received approval from DEC SMS and the Phase II has been completed, if contamination has been confirmed, a cleanup plan must be developed, most commonly a Corrective Action Plan (CAP), which is also subject to review and approval from DEC SMS.</li> <li>○ If your project is a brownfields project, it is recommended that you review DEC’s <a href="#">Brownfields Handbook</a>.</li> </ul> </li> <li>• Phase I ESAs have a shelf life (as established by ASTM standards). The clock starts from when work on the Phase I ESA started and ends at the certification date of the HUD Environmental Review. If the Phase I ESA was conducted greater than 180 days but within a one-year period, an updated Phase I ESA is required. If it has been greater than one year, a new Phase I ESA is required.             <ul style="list-style-type: none"> <li>○ <b>If a project rises to the level of a CAP</b> (discussed above), due to the consultation and time required for extensive toxic sites investigation (in addition to the ER public comment period), <b>it is likely that the original Phase I will have reached the 180-day threshold</b>. If this is the case, <b>the Phase I update is still required</b> (or a new Phase I if the year threshold has passed). <b><u>Plan and budget accordingly.</u></b></li> </ul> </li> <li>• If a Phase I ESA is <u>not</u> required, due diligence is still essential (See <a href="#">Due Diligence Guidance</a>).</li> </ul>

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	<p><u>This section also needs to include information with respect to lead, asbestos, and mold.</u></p> <p><b>Lead (24 CFR Part 35, Subpart B)</b></p> <ul style="list-style-type: none"> <li>• The purpose of <a href="#">HUD’s Lead Safe Housing Rule</a> is to protect young children (under 6 years of age) from lead-based paint hazards in housing that is financially assisted by the Federal government or sold by the government. Properties exempt from the rule include: <b>buildings constructed in 1978 or later, housing exclusively for elderly person with disabilities, zero-bedroom dwellings, unoccupied housing that will remain vacant until it is demolished and non-residential property.</b></li> <li>• Required testing and abatement of lead is dependent on the dollar value of the project, see 24 CFR Part 25 Subpart B (linked above) for thresholds.</li> <li>• All lead hazard control work, inspections and risk assessment must be performed in compliance with “<a href="#">Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing</a>” (2012 Edition) and EPA and/or state regulations (40 CFR 745, subparts L and Q, respectively).</li> </ul> <p><b>Asbestos (40 CFR Part 61, Subpart M)</b></p> <ul style="list-style-type: none"> <li>• Asbestos Containing Material (ACM) may be present in buildings constructed prior to 1978. The threshold for ACM abatement is triggered by the project activity. Removal of friable asbestos is required before <b>demolition, renovation, or rehabilitation.</b></li> <li>• If a project involves renovation or rehabilitation a <a href="#">qualified asbestos inspector</a> must perform a comprehensive building asbestos survey to identify the location and condition of asbestos throughout any structures, performed pursuant to the “<b>baseline survey</b>” requirements of <b>ASTM E 2356-18</b> “Standard Practice for Comprehensive Building Asbestos Surveys.” Demolition projects need to be inspected pursuant to the “<b>pre-construction survey</b>” requirements of <b>ASTM E 2356-18</b>. If suspect asbestos is found, it should either be assumed to be asbestos or confirmatory testing should be done. If the asbestos survey indicates the presence of asbestos or the presence of asbestos is assumed, the appropriate mix of <b>asbestos abatement</b> and an asbestos <b>Operation &amp; Maintenance Plan</b> will be required.</li> <li>• At minimum, all friable asbestos must be removed, and non-friable asbestos must be encapsulated.</li> </ul> <p><b>Mold (24 CFR Part 5, Subpart G, §5.703)</b></p> <ul style="list-style-type: none"> <li>• For mold, a visual inspection must be performed and can be completed by anyone. HUD requires that all dwelling units and common areas have proper ventilation and be free of mold. If any mold is discovered, abatement will be required.</li> </ul>

<p><b>Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and § 58.6</b></p>	<p style="text-align: center;"><b>Compliance Guidance and Checklist Requirements</b></p>
	<p><b><u>Toxic Sites Checklist Requirements</u></b></p> <ul style="list-style-type: none"> <li>• Summary and conclusions of Phase I, Phase I, CAP, and correspondence with VT DEC (if applicable)</li> <li>• Date of site reconnaissance of most recent Phase I ESA (if applicable)</li> <li>• Summary and conclusions of Due Diligence (if Phase I ESA was not required)</li> <li>• Summary and conclusions with respect to lead, asbestos and mold investigations</li> <li>• Required mitigation measures (if applicable) <b>NOTE:</b> Any cleanup work required by a CAP, lead based paint abatement, asbestos containing abatement, and/or mold removal will be listed as a condition of the Environmental Review to be carried out during project implementation.</li> </ul>
<p><b>Environmental Justice</b>                      [Executive Order 12898]                      Source Sites: <a href="#">NEPAssist</a></p>	<p><b><u>Environmental Justice Compliance Guidance</u></b></p> <ul style="list-style-type: none"> <li>• Use NEPAssist to create an Environmental Justice (EJ) Screen Report (<a href="#">Steps on How to Create an Environmental Justice Screen Report</a>).</li> <li>• For this regulation, assess if the project is surrounded by, exposed to or creates any adverse environmental impacts. An incomplete list of adverse environmental impacts to consider are: explosions, conflagration, air pollution of toxic intensity from chemical processing storage or transmission chemicals, hazardous industrial operations, slag piles, landfills, dumps, major highways, train tracks, traffic overload, or any other industrial-commercial operation which produce high levels of pollution. If any adverse environmental impacts are identified, determine if these impacts are <b>disproportionally</b> affecting low/moderate income individuals and/or minority populations. If so, your project has an Environmental Justice issue; the preferred resolution would be to modify the project to eliminate or at least reduce the adverse effects, when feasible.</li> <li>• If there are no adverse environmental impacts there is no potential EJ issues, no additional action is required.</li> </ul> <p><b><u>Environmental Justice Checklist Requirements</u></b></p> <ul style="list-style-type: none"> <li>• Summary of EJ Screen report (demographics of the proposed project area)</li> <li>• Summary of any adverse environmental impacts that are anticipated as a result (directly or indirectly) of the proposed project</li> <li>• Summary of any adverse environmental impacts surrounding the proposed project area</li> <li>• Summary and conclusions of additional review/investigation (if applicable)</li> <li>• Required mitigation measures (if applicable)</li> </ul>

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<p><b>Radon</b>                      Source Sites: <a href="#">Notice CPD 23-103: Departmental Policy for Addressing Radon in the Environmental review Process</a>, <a href="#">HUD Multifamily Radon Policy</a>, <a href="#">Radon Fact Sheet</a></p>	<p><b><u>Radon Compliance Guidance</u></b></p> <ul style="list-style-type: none"> <li>• EPA has divided states and counties into three radon risk zones, identify your project location’s risk zone: <a href="#">VT EPA Radon Zones</a>.</li> <li>• For projects that involve multi-family housing, a radon test is required. <b>Radon testing must be completed post construction/rehabilitation and before occupancy.</b> At least 25% of randomly select ground level units/rooms in each building need to be tested. Closed building conditions are required for 12 hours prior to testing</li> <li>• If radon tests indicate elevated levels, at or above 4.0 picocuries per liter (pCi/L), a radon mitigation system <b>must</b> be installed. If concentrations are between 2-4 pCi/L mitigation should be <b>considered</b>. Radon tests must be completed by a Radon Professional and expire after 1 year.</li> <li>• The <a href="#">National Radon Proficiency Program</a> has resources available to help find a certified radon professional.</li> <li>• For new construction, it is not possible to test the land prior to building in order to determine whether there will be a radon problem. New construction in Radon Zones 2 and 3 (there are no Zone 1’s in Vermont) must include gas permeable layer, ground cover and foundation walls.</li> <li>• There are no HUD or VT requirements for commercial buildings, but following the action levels required for housing is strongly encouraged.</li> </ul> <p><b><u>Radon Compliance Checklist Requirements</u></b></p> <ul style="list-style-type: none"> <li>• Radon Zone determination</li> <li>• Pre-construction radon results (if applicable)</li> <li>• Condition for radon tests upon project completion and before occupancy (if applicable)</li> <li>• Additional required mitigation measures (if applicable)</li> </ul>
<p><b>Flood Insurance</b>                      [24 CFR Part 58.6(a), Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 42 USC 4001-4128 and 42 USC 5154a]                      Source Sites: <a href="#">FEMA Flood Map Service Center</a>; <a href="#">HUD Exchange-Flood Insurance</a></p>	<p><b><u>Flood Insurance Compliance Guidance</u></b></p> <ul style="list-style-type: none"> <li>• Flood insurance (and the community’s participation in the National Flood Insurance Program) is required if a project is in the Special Flood Hazard Area (SFHA/100-year floodplain) and involves financial assistance for <b>construction, rehabilitation or acquisition of a mobile home, a building or insurable personal property.</b> Provide proof of flood insurance if required (this requires the community’s participation in the National Flood Insurance Program).</li> <li>• <b>HUD strongly encourages that flood insurance be obtained and maintained for all HUD-assisted structures in the FFRMS floodplain, sites that have previously flooded, or sites near a floodplain.</b></li> </ul>

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	<ul style="list-style-type: none"> <li>• If required, the statutory minimum of insurance is:                             <ul style="list-style-type: none"> <li>○ For loans, flood insurance coverage must be maintained for the term of the loan. The amount of flood insurance must at least equal the outstanding principal balance of the loan or the maximum coverage limit of the NFIP, whichever is less.</li> <li>○ For Grants: Flood insurance must be maintained for the life of the building, irrespective of the transfer of ownership. The amount of coverage must equal the total project cost or the maximum coverage limit of the NFIP, whichever is less.                                     <ul style="list-style-type: none"> <li>▪ NFIP Standard Flood Insurance Policies (SFIP) Maximums   <ul style="list-style-type: none"> <li>• 1-4 Family: \$250,000</li> <li>• Multi-Family (5+ Families): \$500,000</li> <li>• Non-Residential: \$500,000</li> </ul> </li> </ul> </li> </ul> </li> <li>• Flood Insurance is not required for public infrastructure projects (i.e. bridges, culverts, etc.).</li> </ul> <p><b><u>Flood Insurance Checklist Requirements</u></b></p> <ul style="list-style-type: none"> <li>• Flood zone determination</li> <li>• FIRMette map #, panel # and effective date</li> <li>• Determination of if project activities trigger compliance (see <b>bolded list</b> of activities above)</li> <li>• Cite the municipality’s participation in the National Flood Insurance Program and the property’s flood insurance (or condition that the proposed project will obtain adequate flood insurance upon project completion and prior to occupancy) (if applicable)</li> </ul>
<p><b>Coastal Barrier</b>                      [Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 16 U.S.C. 3501 et seq.]</p>	<p>NA—Vermont is not located near a coastal zone.</p>
<p><b>Airport Clear Zones/ Hazards</b>                      [24 CFR Part 51, Subpart D]                      Source Sites: <a href="#">FAA</a>; <a href="#">Airport Hazards Worksheet</a>; <a href="#">APZ Fact Sheet</a></p>	<p><b><u>Airport Clear Zone Compliance Guidance</u></b></p> <ul style="list-style-type: none"> <li>• There are two Part 139-Certified airports in Vermont: Burlington International/National Guard Air Base and Rutland-Southern Vermont Regional Airport. There are no official Military Airports in Vermont.</li> <li>• Locate your project site in publicly available maps (Google, NEPAassist, etc.), and “measure” the distance from the</li> </ul>

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	<p>project area to both Part 139-Certified airports.</p> <ul style="list-style-type: none"> <li>• If the subject property is located within 2,500 feet (approximately 0.5 miles) from the end of the runways of either Part 139-Certified Airport, then the project area may fall within the Runway Protection Zone/Clear Zone (RPZ/CZ).</li> <li>• To determine the exact size, of the RPZ/CZ, the airport operator or the Federal Aviation Administration (FAA) should be contacted to obtain a map of the airfield.</li> </ul> <p><b><u>Airport Clear Zone Checklist Requirements</u></b></p> <ul style="list-style-type: none"> <li>• Approximate distance of project location from <u>both</u> Part 139-Certified airports</li> <li>• Summary of correspondence with the airport operator or the FAA (if applicable)</li> <li>• Summary and conclusions of additional review/investigation (if applicable)</li> <li>• Required mitigation measures (if applicable)</li> </ul>