

Contamination and Toxic Substances (Multifamily and Non-Residential Properties) – PARTNER

This Worksheet was designed to be used by those “Partners” (including Public Housing Authorities, consultants, contractors, and nonprofits) who assist Responsible Entities and HUD in preparing environmental reviews, but legally cannot take full responsibilities for these reviews themselves. Responsible Entities and HUD should use the RE/HUD version of the Worksheet.

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. How was site contamination evaluated? ¹ Select all that apply.

- ASTM Phase I ESA
- ASTM Phase II ESA
- Remediation or clean-up plan
- ASTM Vapor Encroachment Screening
- None of the above

→ Provide documentation and reports and include an explanation of how site contamination was evaluated in the Worksheet Summary.

Continue to Question 2.

2. Were any on-site or nearby toxic, hazardous, or radioactive substances 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?)

- No

Explain: See Worksheet Summary, below.

¹ HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site. For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD’s toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

→ If the RE/HUD agrees with this recommendation, the review is in compliance with this section. Continue to the Worksheet Summary below.

Yes.

→ Describe the findings, including any recognized environmental conditions (RECs), in Worksheet Summary below. Continue to Question 3.

3. Mitigation

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

Can adverse environmental impacts be mitigated?

Adverse environmental impacts cannot feasibly be mitigated

→ Project cannot proceed at this location.

Yes, adverse environmental impacts can be eliminated through mitigation.

→ Provide all mitigation requirements² and documents. Continue to Question 4.

4. 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 controls³, or use of institutional controls⁴.

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

Complete removal

→ Continue to the Worksheet Summary.

² Mitigation requirements include all clean-up actions required by applicable federal, state, tribal, or local law. Additionally, provide, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

³ Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, without limitation, slurry walls and ground water pumping systems.

⁴ 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.

Risk-based corrective action (RBCA)

→ *Continue to the Worksheet Summary.*

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

ALLWEST performed a Phase I Environmental Site Assessment (ESA) for the project site. ALLWEST identified the former presence of an underground storage tank (UST) at 2824 North Nevada Street as a *Recognized Environmental Condition (REC)*.

Spokane City Foothills, adjacent to the south of the project, is listed on the Hazardous Sites List as “awaiting cleanup” due to a leaking UST. Based on findings of a Site Hazard Assessment and the location of the site, hydraulically downgradient of the project location, ALLWEST determined that the site was not a REC for the project location. Other adjacent properties include facilities registered as hazardous waste handlers but no reported violations.

ALLWEST performed a Limited Environmental Site Evaluation for the project site based on the findings of the Phase I ESA. Ground-penetrating radar was used to attempt to identify the location of the reported UST. No UST was identified.

A total of eight borings were advanced on the 2824 North Nevada Street property at a depth of between 8 and 16 feet below ground surface. Soil samples were monitored using Photo Ionization Detection. No evidence of a UST or backfill material were encountered. No VOCs, staining or hydrocarbon odors were observed. Additionally, an area suspected to be the location of the former tank was excavated; however, no evidence of a UST, contamination or backfill was identified.

In the Site Evaluation, ALLWEST states that a former carpet cleaning business reportedly operated at 2828 North Nevada Street and may have used an interior drain to dispose of cleaning products (not addressed in the Phase I ESA). ALLWEST verified by sewer line video inspection that the sewer drain at 2828 North Nevada Street discharges to the city sewer and is in good condition with no obvious indication of cracks, breaks or other areas that may have been a conduit for chemicals to infiltrate the subsurface soil.

The Phase I ESA and Limited Environmental Site Evaluation performed by ALLWEST are provided as attachments to this document.

References:

ALLWEST. 2019. Phase I Environmental Site Assessment, Gonzaga Haven, Northeast of North Foothills and North Hamilton Street. September 13.

ALLWEST. 2020. Limited Environmental Site Evaluation, 2824 And 2828 North Nevada Street. March 25.

Are formal compliance steps or mitigation required?

Yes

No