



Strength, Dignity, Quality of Life
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Environmental Presentation

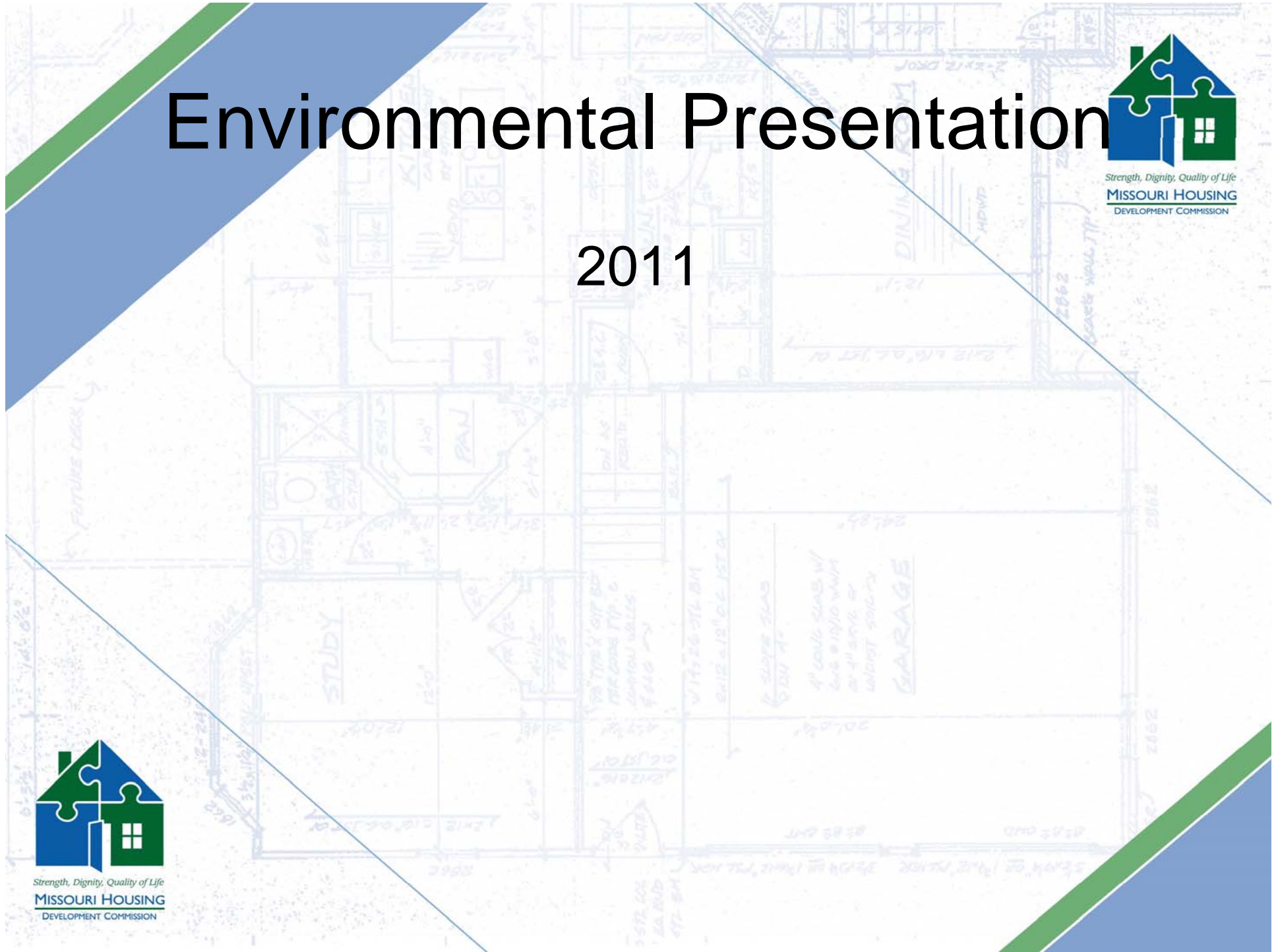


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2011



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Air Quality



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- Is the site in a non-attainment county?
 - Current Counties: Franklin, Jefferson, St. Charles, St. Louis County, St. Louis City
- Air Pollution Checklist for Typical Construction, Demolition and Renovation Activities



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Air Quality



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- MHDC provides this checklist to be completed and returned at the completion of construction.
- This checklist was developed with the assistance of Missouri Department of Natural Resources (MDNR).



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Phase I



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- A defined practice for conducting an environmental site assessment of commercial real estate with respect to certain contaminants and petroleum.
- A thorough Phase I is part of what provides you with “landowner liability protection (LLP)”. It is also used to assess business risk.



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Phase I



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- Contaminates are defined under various other statutes through Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and petroleum.
- Required for all developments except very small single family sites.
- MHDC has a checklist to help you review your report.



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2.4 Limitations & Exceptions



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- ASTM 9.2.4
- MHDC is looking for good detail.
- Example: Ground covered with snow.
- Example: Locked or blocked rooms.



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2.5 Special Terms and Conditions



- Have any special terms and conditions been placed on the environmental professional by the person(s) requesting their services? (ASTM 12.10)
- Any terms and conditions must be fully explained.
- Example: Not allowed to contact previous owner.



2.6 User Reliance



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- ASTM 7.5.2.1
- Who may rely on the report?
- MHDC and the developer must be listed.
- A separate letter is required stating MHDC may rely on report.



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3.1 Location & Legal Description



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- ASTM 12.1
- Example: 123 Main Street, Any Town, MO
- Example: Lot 176 of Apple Valley Subdivision



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3.4 Improvements to the Property



- ASTM 9.4.1.7 thru 9.4.4.7
- Not limited to structures and roads. List all other improvements on the site.
- Example: Storage building, abandoned foundation, number of buildings, number of stories and age



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3.5 Current Uses of Adjoining Properties



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- ASTM 9.4.1.3
- Example: A building directly east of the property is a dry cleaner.
- Example: South of property is a cemetery.



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4.1 Title Records



- ASTM 6.2
- MHDC requests all items under 4.0 to be provided by the developer.
 - A current Title Policy or Preliminary Title Policy must be provided by the developer.
 - Any environmental liens must be revealed.



4.2 Environmental Liens or Activity and Use Limitations



- ASTM 6.2
- Example: Deed restricting access to ground water.



4.3 Specialized Knowledge



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- ASTM 6.3
- Example: A local civil war club used the property to practice battle re-enactments.



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4.4 Commonly Known or Reasonably Ascertainable Info.



- ASTM 6.6
- Example: Local high school boys liked to gather on the lot to work on their cars under an old shade tree that was on the lot.



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4.5 Valuation Reduction for Environmental Issues



- ASTM 6.5
- Example: The lot you plan to develop is selling for \$10,000 less than a lot a few blocks away because of the proximity of railroad tracks.



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4.6 Owner, Property manager, and Occupant Info.



- ASTM 6.7
- Name of the person or corporation that currently owns the property.
- If an apartment building is on site, who is the manager?



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4.7 Reason for Performing Phase I



- ASTM 6.7
- Give the environmental professional a reason for the Phase I.

or

- Environmental professional should state the purpose is to qualify for limited liability protection to CERCLA liability.



5.1 Standard Environmental Record Sources



- ASTM 8.2.1
- EDR Inc. reports
- The environmental professional must review and condense this technical report down to understandable and manageable information.



5.1 Standard Environmental Record Sources



Database	ASTM DISTANCES in miles	NUMBER OF ITEMS LISTED IN EDR REPORT
Federal NPL site list	1.0	0
Federal Delisted NPL, site list	.5	0
Federal CECLIS list	.5	1
FEDERAL CERCLIS NFRAP list	.5	0
Federal RCRA CORRACTS Facilities	1.0	0
Federal RCRA non-CORRACTS TSD Facilities list	.5	2
Federal RCRA Generators list	Property and adjoining property	32
Federal institutional control/engineering Control registries	Property only	0
Federal ERNS list	Property only	0
State and tribal equivalent NPL	1.0	0
State and tribal CERCLIS	.5	0
State and tribal landfill and/or solid Waste disposal site lists	.5	0
State and tribal leaking storage tanks lists	.5	15
State and tribal registered storage tank list	Property and adjoining property only	10
State and tribal institutional control/engineering Controls registries	Property only	2
State and tribal voluntary cleanup sites	.5	0
State and tribal Brownfield sites	.5	0

6.1 Methodology & Limiting Conditions



- ASTM 9.2.3, 9.2.4
- Example: Walked the perimeter of site.
- Example: Fallen tree blocked access to part of site.



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6.2 General Site Setting



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- ASTM 9.4.1.1 thru 9.4.1.10
- Example: Grass covered lot
- Example: 12-story building



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6.3 Exterior Observations



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- ASTM 9.4.2 thru 9.4.4.7
- Example: Building has brick façade.
- Example: Drainage ditch across south portion of property.



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6.4 Interior Observations



- ASTM 9.4.2 thru 9.4.4.7
- Looking for a picture of what the environmental professional is seeing.
- Example: Apartment had yellow walls and a pink tile floor.



7.1 thru 7.3 Interviews



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- Owner, Site Manager, Occupants
- Owner interview must be with actual owner or their representative, not the site manager.
- Multi-family residents do not need to be interviewed; commercial residents must be interviewed.



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7.4 Interviews with Local Gov. Officials



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- ASTM 11.1 thru 11.7
- Example: Fire Chief
- Example: City Engineer



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8.0 Findings



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- ASTM 12.5
- Findings are any items identified as a possible Recognized Environmental Concern (REC).
- Each REC must be listed separately.
- Example: A leaking underground storage tank ½ mile up gradient from the site.



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9.0 Opinions

- ASTM 12.6
- The opinion shall specifically include the environmental professional rationale for concluding that a condition is or is not currently a REC.
- All RECs and possible RECs must have a separate opinion. Opinions should be specific.



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10.0 Conclusions

- ASTM 12.8, 12.1, 12.2
- The Phase I must include **ONE** of the following statements **VERBATIM**:

“We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice 1527 of [insert address or legal description], the property, and exceptions to or deletions



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10.0 Conclusions

From this practice are described in Section [address or legal description] of this report. This assessment has revealed no evidence of **RECs** in connection with the property”.

or

We have performed a Phase I Environmental Site Assessment in conformance with the scope and



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of ASTM Practice 1527 of [address or legal description], the property. Any exceptions to, or deletions from this practice are described in Section [] of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property except for the following: (list).”



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11.0 Deviations



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- ASTM 12.10
- Was the ASTM format deviated from?
- Where was the deviation and why?



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13.0 References



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- ASTM 12.11
- What published referenced sources were relied upon?
- The information must be retrievable by another party.



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14.0 Signature of Environmental Professionals



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- ASTM 12.12
- Must be in the body of the report.
- The signature on the Summary Letter is unacceptable.



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15.0 Qualifications of Environmental Professional



- ASTM 12.13, 12.13.1, 12.13.2
- The Phase I must include **BOTH** of the following statement **VERBATIM**:

“[I, We] declare that, to the best of [my, our] professional knowledge and belief [I, We] meet the definition of Environmental Professional as defined in #312.10 of 40 CFR 312.”



15.0 Qualifications of Environmental Professionals



and

[I, We] have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. [I,We] have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.”



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Appendices



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- ASTM 12.1
- Special contractual conditions between user and environmental professional (ASTM X4.16.7), copy of contract with prices blacked out.
- Qualifications of the environmental professional (ASTM X4.1608). List past experiences and education.



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Multi-Family Developments



- HUD 24 CFR Part 58.32
- HUD requires that multiple phase developments be considered in the aggregate and undergo a comprehensive environmental review prior to the commencement of the initial phase.
- Functional Aggregation –When a specific type of activity is to take place in several separate locations of jurisdictions.



Multi-Family Developments



- Geographic Aggregation – A mix of dissimilar but related activities is to be concentrated in a fairly specific project area.
- MHDC may in a single environmental review analyze the separate and combined impacts of activities that are similar, connected and closely related, or dependent on other activities.



Multi-Family Developments



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- Re-evaluation – (HUD 24 CFR Part 58.47)
MHDC lays out certain criteria for review
(MHDC Form 1400).



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HUD Release of Funds



- Limitations on activities pending clearance.
- Neither a recipient nor any participant in the development process, including public or private nonprofit or for-profit entities, or any of their contractors, may commit HUD assistance under a program listed in 58.1(b) on an activity or project until HUD or the state **has approved** the recipient's



HUD Release of Funds



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Request of Release of Funds (RROF) and the related certification from the responsible entity. In addition, until the RROF and the related certification have been approved, neither a recipient nor any participant in the development process may commit non-HUD funds on or undertake an activity or project under a program listed in 58.1(b) if the activity or



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HUD Release of Funds



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Project would have an adverse environmental impact or limit the choice of reasonable alternatives.

- Acquisition of property after application is made for **ANY** federal funds is absolutely prohibited by HUD.

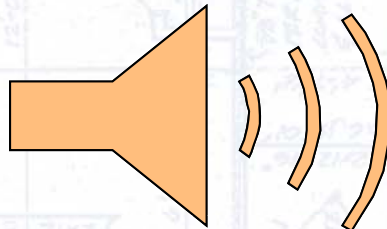


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Noise Mitigation



- General Rule: 45 dB interior, 65 dB exterior.
- Excessive levels required a Figure 19 form.
- Redesign of building layout is an option.
- **No** independent noise studies.



Wetlands



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- Maps and photos will be reviewed.
- Wetlands on or adjacent to the site may require a survey, protection and permits.
- If a possible wetland is identified by the Phase I or our inspection, a professional that specializes in wetlands must be engaged.



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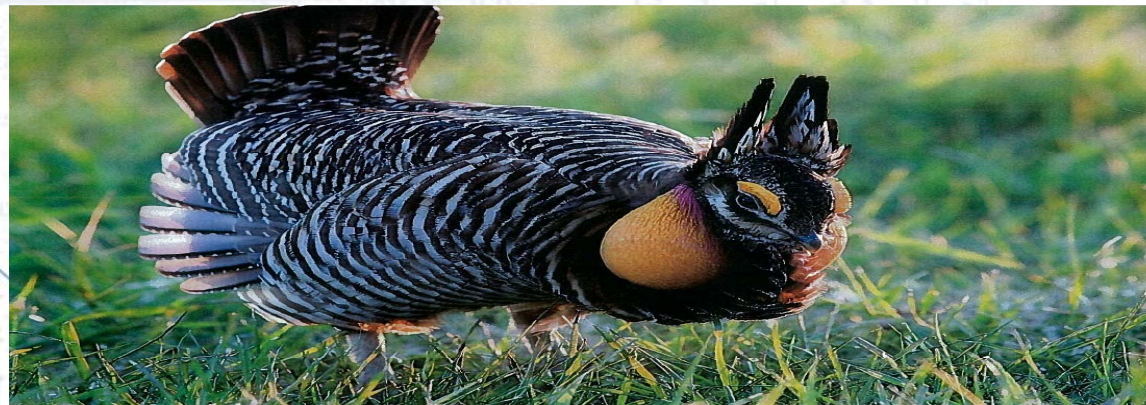


Endangered Species



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- MHDC makes an inquiry to the Missouri Department of Conservation (MDC).
- Any state or federal protection requirements will become part of the firm commitment.



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Floodplain

- Floodplains must be identified utilizing Federal Emergency Management Agency (FEMA).
- If unmapped by FEMA or accurate determination is not possible:
 - FEMA Determination Letter
 - Floodplain Survey



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Historic Preservation (HOME only)



- The developer must submit the Section 106 application to the State Historic Preservation Office (SHPO)
- If applicable all fill or cut dirt and hauling must be INCLUDED. If not, re-application is required.



Historic Preservation



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- Must list site where dirt is coming from or going to.
- MHDC consults with Native American Tribes.



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Lead-Based Paint (with Federal Funds)



- Buildings built before Jan 1, 1978, require a combination lead inspection and risk assessment.
- Lead-based paint is regulated by Missouri Department of Senior Services (MDSS) and Missouri Department of Natural Resources (MDNR). HUD regulations differ little from Missouri's. Where there



Lead-Based Paint with Federal Funds



Are differences the stricter regulations apply.

- If rehabilitation hard cost per unit is a \geq \$5,000, a combination lead inspection and risk assessment must be performed.
- When the per unit hard cost for rehabilitation is \$5,000 to \$25,000, interim controls may be used, and an O & M plan must be prepared.
- Where the per unit hard costs are equal to or greater than \$25,000, abatement must be performed.



Lead-Based Paint without Federal Funds



- Buildings built before Jan 1, 1978, require a risk assessment only or a combination inspection and risk assessment.
- Lead-based paint is regulated by Missouri Department of Senior Services (MDSS) and Missouri Department of natural Resources (MDNR).



– Where the rehabilitation hard cost per unit is \geq \$5,000, a risk assessment must be performed.

Lead-Based Paint without Federal Funds



- When the per unit hard cost for rehabilitation is \$5,000 to \$25,000, interim controls or abatement may be used, and an O & M plan prepared.
- Where the per unit hard cost are equal to or greater than \$25,000, abatement must be performed.



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Asbestos Inspection



- Asbestos is regulated by Missouri Department of Senior Services (MDSS) and Missouri Department of Natural Resources (MDNR). HUD regulations differ little from Missouri's. Where there are differences, the stricter regulations apply.
- All buildings undergoing rehabilitation.



Asbestos Inspection



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- Cite where previous building has been collapsed into the basement.
- Abatement and mitigation must be performed by a licensed asbestos contractor.



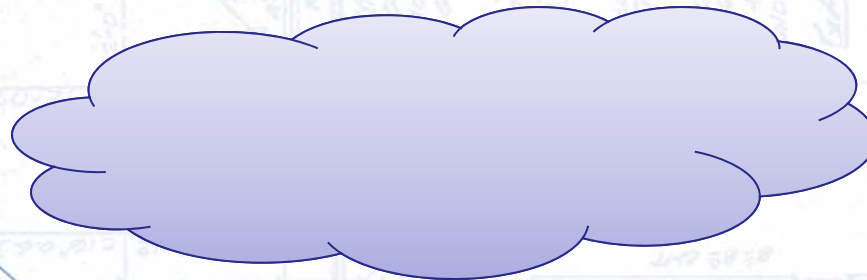
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Radon



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- Radon is an invisible / odorless gas from naturally decaying uranium in the ground.
- Levels can not exceed 4 pCi/L (pico Curies per liter).
- A prescribed venting system is installed if there are excessive radon levels.



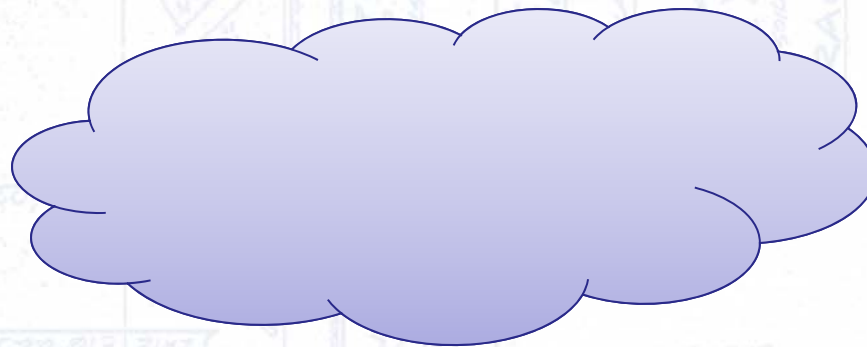
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Radon



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- New Construction: At substantial completion a sampling of ground floor and or below grade units are tested.
- Existing and Multi-family buildings: A radon test of one unit, on the ground floor or below grade, per building is conducted.



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