GEORGIA DEPARTMENT *of* COMMUNITY AFFAIRS

2026 DCA Environmental Manual

GEORGIA HOUSING CREDIT PROGRAM

Email: EnvironmentalReview@dca.ga.gov

Glossary of Terms and Acronyms 1
I. INTRODUCTION 3
1. How to Use this Manual 3
2. DCA Environmental Review Process 4
PHASE I AND PHASE II ESA CONDUCTED 4
CONDITIONS OF FUNDING FULFILLED 4
3. Environmental Professional 5
4. Environmental Site Assessment Standards & Requirements 5
5. ASTM Compliance 7
6. Deviations from DCA or ASTM Standards 8
7. Summary of Non-ASTM Review 8
8. Insurance Requirements 15
II. GENERAL REQUIREMENTS 16
1. Required Format 16
2. Report Timeframe 22
3. Scattered Site 23
4. Previous Site Assessments 23
5. Environmental Records Search 23
6. Historic Review 23
7. Interviews 24
8. Visual and Physical Inspection 25
9. Photographs 25
10. Additional Required Documentation 25
11. Data Gaps & References 26
12. Site Map 27
13. Professional Opinion, Findings and Related Requirements 27
III. PHASE I: NON-ASTM REQUIREMENTS 29
1. Wetlands 29
2. State Waters 31
3. Floodplains/Floodways 32
4. Endangered Species 35
5. Noise 36
6. Radon Gas 39
7. Asbestos 40
8. Lead 41

9. Water Leaks/Mold/Fungi/Microbial Growth 47
10. Vapor Intrusion 48
11. Polychlorinated Biphenyls (“PCBs”) 48
12. Historic Preservation 49
13. Other Hazards and Considerations 53
IV. PHASE II: GENERAL & TESTING REQUIREMENTS 54
1. General Requirements 54
2. Testing and Analysis Requirements (as applicable) 55
V. DCA EVALUATION AND CONCLUSIONS 55
1. Operations and Maintenance Plans 56

Glossary of Terms and Acronyms

AAI	All Appropriate Inquiries
ACM	Asbestos Containing Materials
APE	Area of Potential Effect
ASTM	The American Society for Testing and Materials. ASTM E 1527-21 is the standardized requirements for Phase I and Phase II Environmental Site Assessments (ESAs)
CERCLA	Comprehensive Environmental Response Compensation, and Liability Act of 1980 [42 U.S.C. Section 9601 et seq.], as amended by the Superfund Amendment and Reauthorization Act of 1986
CERCLIS	Comprehensive Environmental Response, Compensation and Liability Information System
CERCLIS NFRAP	CERCLIS- No Further Remedial Action Planned
CLOMA	Conditional Letter of Map Amendment
CLOMR-F	Letter of Map Revision Based on Fill
CWA	Clean Water Act
EP	Environmental Professional
EPA	Environmental Protection Agency
EPD	Georgia Department of Natural Resources, Environmental Protection Division
ERNS	Emergency Response Notification System [40 C.F.R. Parts 300, 370, and 372]
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FINDS	Facility Index System [40 C.F.R. Section 6901 et seq.]
FIRMs	Flood Insurance Rate Maps
Funding Condition	Funding Conditions are included in the LOD/award letter. These conditions must be fulfilled either before construction or before Applicant submits the Final Allocation Application (for 8609).
GASF	Georgia Archeological Site File
GEPA	Georgia Environmental Policy Act
HSRA	Georgia Hazardous Site Response Act [O.C.G.A. Section 12-8-90 et seq.]
HSI	Hazardous Site Inventory

LUST	Leaking Underground Storage Tank Act
MSWL	Municipal Solid Waste Landfill
Minimum Doc for ESA	Required documents that must be included in the ESA submission
NEPA	National Environmental Policy Act
NESHAP	The National Emission Standards for Hazardous Air Pollutant
NFIP	National Flood Insurance Program
NRHP	National Register of Historic Places
NWI	National Wetlands Inventory
OSHA	Occupational Safety and Health Administration
RCRIS	Resource Conservation and Recovery Information System
RE	Responsible Entity
REC, HREC, CREC	Recognized Environmental Condition, Historical Recognized Environmental Condition, Controlled Recognized Environmental Condition
SDWA	Safe Drinking Water Act
STraCAT	HUD's Sound Transmission Classification Assessment Tool
THPO	Tribal Historic Preservation Office
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USGS	United States Geological Survey
VEC	Vapor Encroachment Condition

Introduction

1. How to Use this Manual

A. Intent

The intent of this Environmental Manual is to explain the environmental review requirements for the Georgia Department of Community Affairs (DCA) and to provide parameters to the Environmental Professional (EP) who will be performing the Environmental Site Assessment (ESA). EPs must carefully review this document before agreeing to provide any environmental services and preparing Environmental Report.

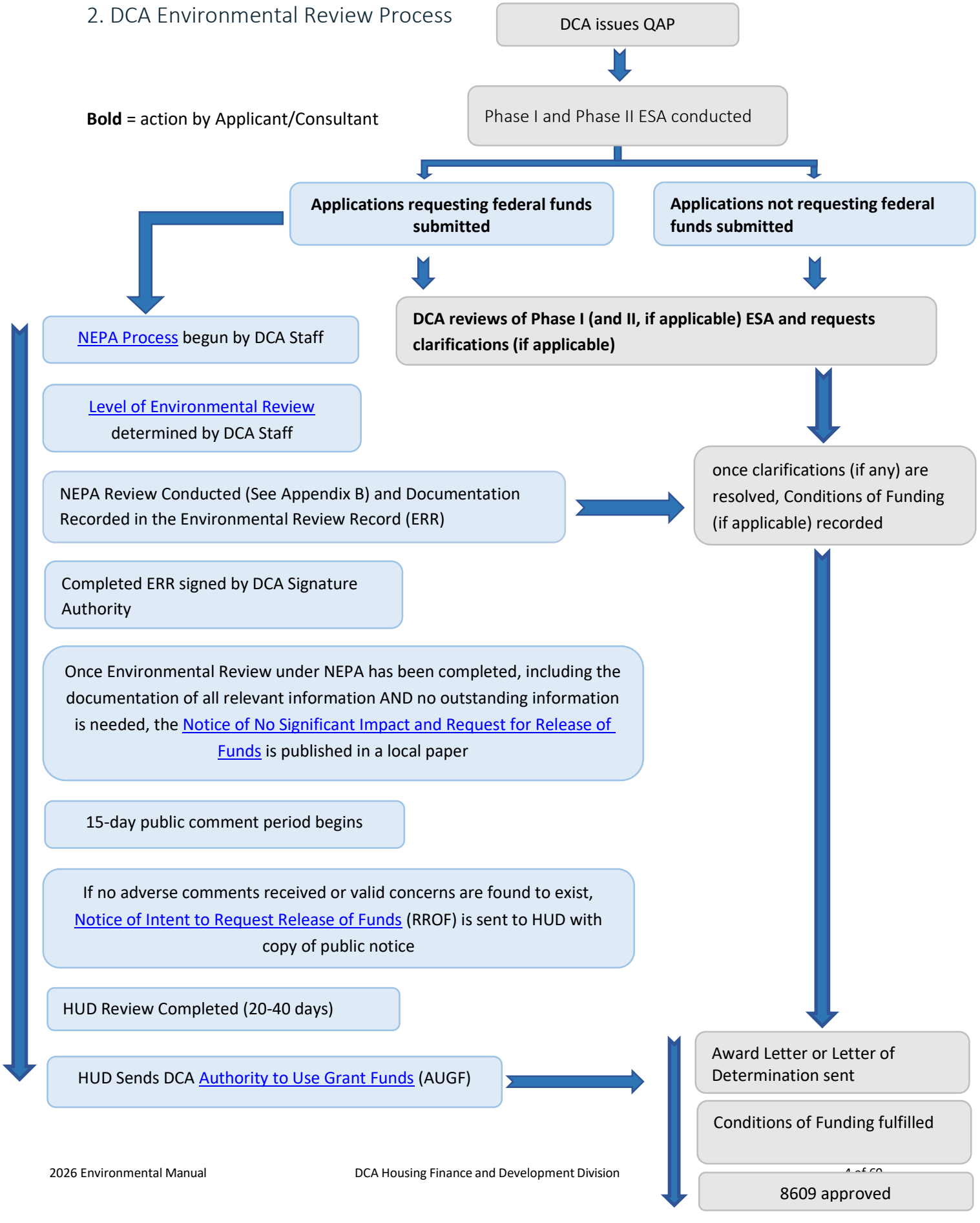
B. Environmental Review Regulations

Note that there are two distinct and separate processes with different regulations. Because both processes are federally required for the Community Development Block Grant Disaster Relief (CDBG-DR) and HOME Investment Partnership Program (HOME) funding sources, DCA has combined the two processes into this Environmental Manual. The National Housing Trust Fund (NHTF) requirements are also noted in this manual; some of the requirements may differ from CDBG-DR and HOME.

The National Environmental Policy Act of 1969 (NEPA) and "other federal laws and authorities" require that environmental consequences are reviewed and alternatives considered for all federally assisted actions before decisions are made and before actions are taken. Therefore, an environmental review is required as part of the due diligence process.

2. DCA Environmental Review Process

Bold = action by Applicant/Consultant



3. Environmental Professional

The ESA must be performed by, or under the supervision of an Environmental Professional, as that term is defined in 40 C.F.R. 312.10b, and must be reviewed, signed, and certified by the EP using the Consultant Signature Page for Phase I Reports, which can be found in the Forms Section of the Qualified Allocation Plan Documents.

A. Consultant Signature

1. The Consultant Signature Page for Phase I and Phase II Reports must appear immediately following the cover page(s).
2. *Phase II*: If the EP, supervising and signing the Consultant Signature Page for Phase II Report, is not the same as the EP who signed the Phase I Report for the property, the qualifications of such personnel must be described in Phase II Report.

B. Required EP Qualifications

1. Hold a current Professional Engineer's or Professional Geologist's license or registration from a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) and have the equivalent of three (3) years of full-time relevant experience; or
2. Be licensed or certified by the federal government, a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) to perform environmental inquiries as defined in Part 312.21 and have the equivalent of three (3) years of full-time relevant experience; or
3. Have a Baccalaureate or higher degree from an accredited institution of higher education in a discipline of engineering or science and the equivalent of five (5) years of full-time relevant experience; or
4. Have the equivalent of ten (10) years of full-time relevant experience.

C. Other Requirements

1. The EP must be an employee or principal of the environmental consulting firm retained to complete the environmental assessment.
2. Phase I must include the resume(s) that describe the qualifications of personnel involved with the Phase I environmental site assessment in Appendix A; the qualifications of all such personnel must also be summarized in Section 2.5 of the Phase I Report.
3. The EP must not be affiliated with the Applicant, or a buyer or seller of the property, or a firm engaged in any business that might present a conflict of interest or give the appearance of a conflict of interest.

4. Environmental Site Assessment Standards & Requirements

The Georgia Department of Community Affairs (“DCA”) requires site-specific environmental assessment for all development proposals being considered for funding with 9% Tax Credits, 4% Tax Credits, and/or CDBG-DR, HOME, NHTF Loans. At a minimum, DCA requires a Phase I Environmental Site Assessment (“Phase I”),

in accordance with, *but not limited to*, standards developed by ASTM International and set forth in the "Standard Practice for Environmental Site Assessments, Phase I Site Assessment Process," ASTM E1527-21. If Phase I recommends additional review, or a Phase II report, the Phase II and/or the additional review documentation must be provided.

For projects which request HOME funds, the EP and the Applicant (see Section A(3)(a) below) must complete the *HOME and HUD Environmental Questionnaire*. This form can be found in the Application Forms section of the Qualified Allocation Plan Documents available on the DCA website.

Overview

The Phase I serves as a screening process designed to discover environmental concerns, recognized environmental conditions (RECs), historical recognized environmental conditions (HRECs), controlled recognized environmental conditions (CRECs), and non-ASTM issues which may potentially impact the subject property, and ensure that "All Appropriate Inquiry" or "AAI" (as that term is defined by the EPA in 40 C.F.R. Part 312) is conducted. A Phase II Environmental Site Investigation ("Phase II") is intended to further investigate any environmental issues raised by Phase I.

DCA requires additional investigations and testing that exceed the ASTM Standards and are included throughout Section II. Extra requirements are referred to as "non-ASTM considerations" in Section 13 of ASTM E1527-21 . Where DCA guidelines are more stringent than the ASTM Standards, the DCA guidelines must be followed.

Applicants must make All Appropriate Inquiries (AAI) to learn the property's true environmental condition. Any Phase I submitted to DCA must demonstrate that AAI regarding previous ownership and use of the property consistent with good commercial or customary practice was conducted. Applicants must become familiar with federal, state, and local health, safety, and environmental laws governing the property.

Applicants must disclose their knowledge of actual or suspected environmental concerns in accordance with ASTM Standards and are strongly encouraged to contact DCA if unusual or questionable conditions exist before they submit their formal Application to DCA.

A. HUD Review Process for Applications with Federal Funding

Applications with DCA- administered HOME, NHTF, and CDBG-DR funds have additional review requirements. The National Environmental Policy Act (NEPA) requires agencies to assess the environmental effects of their proposed actions, including but not limited to historic properties, before making decisions related to projects they carry out, approve, or fund. The federal agency is the ultimate decision maker in the NEPA process.

DCA administers the distribution of federal funds associated with U.S. Department of Housing and Urban Development (HUD) programs and acts as HUD's designated "Responsible Entity" for the administration of federal funds (24 C.F.R. Part 58.43). As the HUD RE, DCA is responsible for identifying and assessing the effects of HUD-funded actions.

As the Responsible Entity, DCA is responsible for undertaking environmental reviews for federally funded Applications. In this capacity, DCA must ensure that the environmental review process is satisfied before certain HUD funds are committed to specific projects.

1. *Public Comment Notice*: When initial awards of federal funds are announced and DCA has completed the required NEPA review and obtained all required documentation, DCA will publish notices of its intent to allocate HOME funds in local newspapers in the proposed projects' areas. After a 15-day public comment period, if there are no public comments and no additional findings, DCA will seek HUD's approval of its commitment of HOME funds to the proposed project.
2. *Release of Funds*: Following its receipt of DCA's Request for Release of Funds (RROF), a 15-day HUD comment period begins. During this period, the public is allowed the opportunity to object to the project or activity. If there are no objections or no findings, HUD will issue the Authority to Use Grant Funds (AUGF) within a minimum of 20 days to a maximum of 40 days.
3. *Choice Limiting Action*: Once applications are submitted, the Applicants must refrain from taking any choice limiting actions including acquiring, rehabilitating, demolishing, converting, leasing, repairing, or constructing property until DCA permits project activities.

5. ASTM Compliance

A. The Phase I must substantially comply with ASTM E1527-21 or the most current version of the Phase I standard that has been (1) promulgated by ASTM and (2) endorsed, in writing, by EPA as meeting AAI.

B. The Phase I Report must contain a statement that ASTM E1527-21 (or the EPA-endorsed, updated version) was used in completing the Phase I and that "All Appropriate Inquiries" were conducted.

C. The EP must include a description of the procedures followed while conducting the Phase I investigation in the Phase I Report, including a detailed scope of services.

D. Phase I Reports are performed to qualify for one of the three landowner liability protections under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Part 9601 et seq.:

   1. the innocent landowner limitation;
   2. the contiguous property owner limitation;
   3. or the bona fide prospective purchaser limitation.

   The EP must consult with the Applicant to determine the Applicant's purpose for performing the Phase I and must set forth the purpose for which the Phase I site investigation was undertaken in Section 2.2

of the Phase I Report. In addition, the EP must state that the purpose of Phase I is to ascertain whether the "property is environmentally suitable for construction/rehabilitation of multifamily housing."

E. The Applicant must submit the Phase I Report as specified in the applicable Qualified Allocation Plan and Manual.

6. Deviations from DCA or ASTM Standards

Any deviations from DCA Environmental Site Assessment Standards or ASTM Standards, or any limitations of the Phase I environmental site assessment, must be described in Section 2.7 of the Phase I Report.

7. Summary of Non-ASTM Review

This is a summary of potential non-ASTM issues and their Funding Conditions.

Section	Minimum Docs for ESA	DCA Funding Conditions Summary
1. Wetlands	- Delineation report - NWI map - Topographical map - Soil map - Site map	If disturbed, the following are required at closing: - Request for delineation - Site drainage plan - Permanent covenant - USACE concurrence - Necessary permits - Erosion and sedimentation control measures
		HUD: 8-step process.
2. State Waters	- Describe and show on site map waters that require a buffer. - Buffer distance details.	- LIA's state water determination letter. - Respect applicable buffers. - Apply for appropriate variances/exemptions if necessary.
3. Floodplain	- Review FIRM maps	**Rehab and New Construction:** - Respect local flood damage prevention ordinances.

Section	Minimum Docs for ESA	DCA Funding Conditions Summary
	-Site map with SFHA clearly defined.	**Rehab Projects Not Participating in NFIP:** - Evidence lowest floor is 1+ feet above base flood elevation. - Land and existing conditions survey - Observe local flood damage prevention ordinances, if applicable.
		Reclassified Out of SFHA: <u>New Construction/HOME projects:</u> - EP's opinion about whether SFHA will be affected. - CLOMA or CLOMRF and LOMA or LOMRF. - Other reclassification documents. - See Rehab and New Construction section above. <u>Rehab Projects:</u> - Eligibility for flood insurance if non-substantial rehab. - See Rehab and New Construction, Rehab Projects Not Participating in NFIP sections above.
		HOME: - 8-step process. - Direct/indirect impacts. - Consideration of alternate locations. - Flood insurance. - See New Construction/HOME projects subsection above if reclassified out of SFHA.
	HOME: HUD environmental questionnaire	

Section	Minimum Docs for ESA	DCA Funding Conditions Summary
4. Endangered Species	- Review list of protected species from USFWS - Complete the ECOS-iPAC process - Check occurrence records from NHIP. Provide comment regarding on-site habitats, potential for presence of endangered species, and whether species will be impacted by proposed development.	- Conduct surveys for species of concern prior to commencement of construction. - Visit ECOS-IPaC website regularly through project planning and implementation for verification. **If northern long-eared or Indiana bat, provide FWS with:** - Project description - Location map - Project center-point coordinates
5. Noise	- Noise assessment	- Noise attenuation plan attenuating noise levels to ≤65dB for outdoor amenities and ≤45dB for indoors.
3. Floodplain	- Review FIRM maps -Site map with SFHA clearly defined.	**Rehab and New Construction:** - Respect local flood damage prevention ordinances.
		Rehab Projects Not Participating in NFIP: - Evidence lowest floor is 1+ feet above base flood elevation. - Land and existing conditions survey - Observe local flood damage prevention ordinances, if applicable.
		Reclassified Out of SFHA: <u>New Construction/HOME projects:</u> - EP's opinion about whether SFHA will be affected. - CLOMA or CLOMRF and LOMA or LOMRF. - Other reclassification documents. - See Rehab and New Construction section above. <u>Rehab Projects:</u> - Eligibility for flood insurance if non-substantial rehab.

Section	Minimum Docs for ESA	DCA Funding Conditions Summary
		- See Rehab and New Construction, Rehab Projects Not Participating in NFIP sections above.
		HOME: - 8-step process. - Direct/indirect impacts. - Consideration of alternate locations. - Flood insurance. - See New Construction/HOME projects subsection above if reclassified out of SFHA.
	HOME: HUD environmental questionnaire	
4. Endangered Species	- Review list of protected species from USFWS - Complete the ECOS-iPAC process - Check occurrence records from NHIP. Provide comment regarding on-site habitats, potential for presence of endangered species, and whether species will be impacted by proposed development.	- Conduct surveys for species of concern prior to commencement of construction. - Visit ECOS-IPaC website regularly through project planning and implementation for verification. **If northern long-eared or Indiana bat, provide FWS with:** - Project description - Location map - Project center-point coordinates
5. Noise	- Noise assessment	- Noise attenuation plan attenuating noise levels to ≤65dB for outdoor amenities and ≤45dB for indoors.
6. Radon	- Discuss radon zone. - Perform radon test if rehab.	**New Construction:** - Construct using radon resistance techniques. - Test for radon upon completion. **Rehab:** - Mitigate radon above limits. - Submit documentation that mitigation was properly conducted and verified or is in the work scope.

Section	Minimum Docs for ESA	DCA Funding Conditions Summary
7. Asbestos	- Asbestos survey for all demolitions and rehabilitations, must note condition of all presumed and suspected ACMs.	- Representative sampling of 1 unit/building or 10% of units, whichever is greater. - Review and discuss previous survey, if applicable. - Notify EPD 10 days before rehab/demolition. - Verify suspect materials and remediate by removal/encapsulation with licensed contractor. - O&M Plan if encapsulation occurs.
8. Lead (Lead-Based Paint, Lead in Soil, Lead in Water, Lead in Dust)	- Risk assessment report - Summary of results suitable for posting or distribution to occupants. - Lead in soil sampling if buildings are to be demolished or where prior buildings stood and have been demolished. - Visual assessment and lead in water testing or local utility compliance/ noncompliance documents if plumbing and pipes are not to be replaced.	**Testing:** Lead paint inspection by certified inspector/risk assessor if lead paint hazard identified. **Abatement:** Paint: Abate lead with properly licensed contractor. Soil: Excavate lead-impacted soil from the project site. Water: Affected faucets and connection plumbing must be replaced or provide tenant with an alternate drinking water source. Submit O&M Plan for any lead-based paint remaining. **Clearance and Waste Disposal:** - Submit a clearance report of a final inspection and certification after abatement. - Dispose of lead-containing waste generated from abatement at a municipal solid waste landfill with a leachate liner. As appropriate, dispose as household waste, in a permitted municipal solid waste landfill or construction and demolition debris landfill. **Notice:** - Provide notice to occupants within 15 days of activity commencement or (presumed) lead hazard found.

Section	Minimum Docs for ESA	DCA Funding Conditions Summary
		- Provide appropriate informational pamphlets. - Maintain necessary documents on-site. - Restrict occupant access and relocate occupants as necessary during hazard reduction activities. - Post warning signs and practice minimizing the spread of leaded dust, paint, soil, and debris.
9. Water Leaks/Mold/Fungi/Microbial Growth	- Visual assessment for visible fungi/microbial growth, water leaks, or mold in ≥10% units. - Discuss findings and accessibility of inspected areas in report.	- Mold, Moisture Action and Prevention Plan addressing elimination, removal, or remediation and prevention of future problems.
10. Vapor Intrusion	- Tier 1 Screening	- Tier 2 Screening if VEC was not ruled out by Tier 1 Screening. - Further evaluation if Tier 2 Screening indicates VEC. - Include results in Phase II ESA, report to DCA, and include mitigation measures.
11. PCBs	- Documentation of condition of transformers and other electrical equipment on and/or adjacent to property that could have PCBs. - Determine ownership and responsibility for equipment and whether they contain PCBs.	- Follow EP recommendations for resolution
12. Historic Preservation	- HPD environmental review form and supporting documentation.	- Submit SHPO clearance and follow their instructions. - Submit all correspondence between HPD and applicant. **HOME:** complete S106 process.

Section	Minimum Docs for ESA	DCA Funding Conditions Summary
13. Other Hazards/ Considerations	- Consider and discuss other hazards/considerations (refer to III.13.A).	- Discuss and provide recommendations for appropriate handling of hazards.

8. Insurance Requirements

A. Coverage and Type

The EP must carry insurance that provides full coverage for all work performed. The EP must maintain insurance policies covering all of the following types of insurance in the greater of either the following amounts of coverage or the amounts of coverage that the EP typically carries:

1. *Commercial General Liability* insurance, total combined single limits of $1,000,000.00 per occurrence and $2,000,000.00 in the aggregate;
2. *Professional Errors and Omissions* insurance with limits of $2,000,000.00 per claim and $2,000,000.00 in the aggregate; and
3. *Pollution Liability* insurance with limits of $2,000,000.00 per occurrence and $2,000,000.00 in the aggregate, with coverage extended to include third-party liability for death, bodily injury, diminution of value of property and property damage.

B. GHFA and DCA oversight

1. The Georgia Housing and Finance Authority (GHFA) and DCA must be named as additional insured on the commercial general liability insurance.
2. GHFA and DCA must be listed as certificate holders on all policies.
    a. The insurance must be documented on an Acord 25 certificate.
    b. Such insurance, including any deductible or self-insured retention, must by its terms be primary with respect to any insurance carried by the Applicant or any parent, subsidiary, or affiliated entities.
    c. For such policies written on a claims-made basis, the EP must maintain such coverage for a period of at least three (3) years following the completion of the final Phase I and/or Phase II Reports.
3. The EP must promptly notify DCA/GHFA of any changes made to the insurance policies required by this Section.
4. All required insurance must be underwritten by an insurance carrier acceptable to DCA/GHFA and with an AM Best rating of not less than A-. Such insurance policies are to provide that the insurer must give DCA/GHFA at least thirty (30) days prior written notice of cancellation/termination/material change, and to provide that no action by the insured must invalidate or diminish the insurance or bond(s) provided to DCA/GHFA.
5. Proof of insurance must be included in Appendix C of the Phase I Report.
    a. Upon written request of DCA/GHFA, the EP must promptly deliver copies of policies evidencing the insurance coverages to DCA/GHFA.
6. For ease of processing, the project name must be included on the insurance certificate.

General Requirements

1. Required Format

A. The Phase I Report and appendix must be in the order and format shown below. Phase I Reports that deviate from this format may not be accepted. During the competitive round, the Applicant may have points deducted from its score if the proper format is not followed.

B. The ESA must include all of the information and documentation in the indicated appendices.

C. The inclusion of items in Appendix R, as shown in the format, or, if necessary, additional appendices to the Phase I Report is acceptable.

D. If a prescribed sub-section or appendix is not applicable, the EP must note "Not Applicable" or "Not Available" in that section of the report or that appendix and provide a description with reasoning for why that section is not applicable or not available.

COVER

CONSULTANT SIGNATURE PAGE

ENVIRONMENTAL CERTIFICATION

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY

- 1.1. Location of the Property
- 1.2. Environmental Concerns and Conclusions
  - 1.2.1. On-Site
  - 1.2.2. Off-Site
- 1.3. Recommendations
  - 1.3.1. On-Site
  - 1.3.2. Off-Site

2. INTRODUCTION

- 2.1. Background
- 2.2. Reason for Performing the Phase I
- 2.3. Procedures (including a detailed Scope of Services)
- 2.4. Significant Assumptions
- 2.5. Qualifications of Personnel/Documentation of qualifications as an "Environmental Professional"

2.6. Assessment of Specialized Knowledge or Experience of User and/or “Environmental Professional”

2.7. Limitations and Exceptions

2.8. Special or Additional Conditions or Contract Terms

3. SITE INFORMATION AND USE

3.1. General Description of the Site and Vicinity

3.2. Current Site Use and Description

3.3. Current Uses of Adjoining Properties

3.4. Description of Structures, Roads, and Other Improvements (including exterior and interior observations)

3.5. Hydrogeology

3.5.1. Geologic Setting

3.5.2. Surface Drainage

3.5.3. Groundwater

3.6. Past Site Use

3.6.1. Recorded Land Title Records/Judicial Records/Records of Environmental Liens and Activity and Use Limitations

3.6.2. Aerial Photographs and Topographic Maps

3.6.3. Sanborn Fire Insurance Maps

3.6.4. City Directories

3.6.5. Previous Environmental Studies

3.6.6. Other

3.7. Current Surrounding Land Use

3.7.1. North

3.7.2. East

3.7.3. South

3.7.4. West

3.8. Past Surrounding Land Use

3.8.1. North

3.8.2. East

3.8.3. South

3.8.4. West

3.9. Site Reconnaissance Methodology and Limiting Conditions

3.10. Commonly Known/Reasonably Ascertainable Information

4. REGULATORY INFORMATION

4.1. Data Review

4.1.1. Standard Environmental Record Sources

4.1.1.1. Sites listed in Section 8.2.1 of ASTM E 1527-13

4.1.1.2. Orphan/Unmappable Sites

4.1.2. Additional Environmental Record Sources

4.1.2.1. Local Land Records (for activity and use limitations)

4.1.2.2. Records of Emergency Release Reports

4.1.2.3. Planning Department Records

4.1.2.4. Local/Regional Water Quality Agency Records

4.1.2.5. Local Electric Utility Companies (for records related to PCBs)

4.2. Other Agency Contacts/Records

4.2.1. Local Fire Department Official

4.2.2. State, Local, or Regional Health or Environmental Agency

4.2.3. Local Building Permit Agency Official

4.3. Interviews

4.3.1. Current Key Site Manager, Occupants, or Owners of the Property

4.3.2. Current Owners or Occupants of Neighboring Properties

4.3.3. Past Owners, Occupants, or Operators of the Property

4.3.4. User(s)

4.3.4.1. Recorded Land Title Records/Judicial Records/Records of Environmental Liens and Activity and Use Limitations

4.3.4.2. Specialized Knowledge of the User

4.3.4.3. Commonly Known/Reasonably Ascertainable Information

4.4. Data Gaps

4.4.1. Identification of Data Gaps

4.4.2. Sources of Information Consulted to Address Data Gaps

4.4.3. Significance of Data Gaps

5. NON-ASTM REQUIREMENTS

5.1. Wetlands

5.2. State Waters

5.3. Floodplain/Floodway

5.4. Endangered Species

5.5. Noise

5.6. Radon

5.7. Asbestos

5.8. Lead (Paint, Dust, Soil, Drinking Water)

5.9. Water Leaks/Mold/Fungi/Bacterial Growth

5.10. Vapor Encroachment Screening

5.11. Polychlorinated Biphenyls (PCBs)

5.12. Historic Preservation

5.13. Other Hazards

5.13.1. Storage Tanks

5.13.2. Hazardous Substance and Petroleum Products

5.13.3. Containers/Drums/Unidentified Substance Containers

5.13.4. Heating and Cooling

5.13.5. Solid Waste

5.13.6. Sewage Disposal/Septic Tanks

5.13.7. Hydraulic Equipment

5.13.8. Contracted Maintenance Services

5.13.9. Water Supply and Wells

5.13.10. Drains and Sumps

5.13.11. Pits, Ponds, Lagoons, and Surface Waters

5.13.12. Stressed Vegetation

5.13.13. Stained Soil or Pavement

5.13.14. Odors

5.13.15. Utilities/Roadway Easements

5.13.16. Chemical Use

6. ENVIRONMENTAL CONCERNS

6.1. On-Site

6.2. Off-Site

7. CONCLUSIONS & RECOMMENDATIONS

7.1. On-Site

7.2. Off-Site

8. DATA REFERENCES

APPENDIX A - DOCUMENTATION OF QUALIFICATION AS AN "ENVIRONMENTAL PROFESSIONAL"

1. Resume(s)

APPENDIX B - Letters of Reference

APPENDIX C - PROOF OF INSURANCE

APPENDIX D - HISTORICAL RESEARCH DOCUMENTATION

1. Historic aerial maps
2. Fire insurance maps
3. Historical topographical maps
4. City Directories

APPENDIX E - REGULATORY SEARCH INFORMATION

1. Regulated Facilities Radius Map Report
2. File Review Documents (if applicable)

APPENDIX F - DOCUMENTATION FROM TITLE COMPANY/TITLE PROFESSIONAL

1. Recorded land title records
2. Records of environmental liens and activity and use limitations
3. Legal description

APPENDIX G - RECORD OF COMMUNICATIONS AND INTERVIEWS

1. User/applicant interview
2. (Abandoned properties) Interview of owners and occupants of neighboring properties
3. Documentation of attempts to interview:
4. Local fire department;
5. State or local health department or environmental agency;
6. Local agency responsible for issuance of building permits;
7. Local agency responsible for issuance of groundwater
8. Other Interviews

APPENDIX H - OWNER QUESTIONNAIRE & DISCLOSURE STATEMENT

APPENDIX I - PHOTOGRAPHS (including date and description of view presented)

APPENDIX J – SITE MAPS

1. Site Map (Existing Conditions)
2. Site Map (Proposed Conditions)

APPENDIX K – WETLANDS, STATE WATER, FLOODPLAIN

1. USGS Topographic Map
2. USFWS National Wetlands Inventory Map
3. Soil Survey Map
4. FEMA Map

APPENDIX L - ENDANGERED SPECIES

APPENDIX M - NOISE ASSESSMENT DOCUMENTATION

1. Noise assessment report
2. Noise attenuation plan

APPENDIX N - OTHER NON-ASTM TESTING

1. Radon
2. Radon Map
3. Asbestos
4. Lead based paint
5. Lead in dust
6. Lead in soil
7. Lead in water
8. Consumer Confidence Report on Water Quality
9. Mold Survey Report
10. Vapor Encroachment Screening

APPENDIX O – HISTORIC PRESERVATION REVIEW DOCUMENTATION

1. A completed Environmental Review Form
2. Supporting documentation listed on the last page of the ER form

APPENDIX P - ADDITIONAL HOME REQUIREMENTS

1. HOME and HUD Environmental Questionnaire
2. HOME and HUD Questionnaire supporting documentation
3. 8-step process for floodplains and wetlands

APPENDIX Q — OPERATION AND MAINTENANCE MANUAL

APPENDIX R – OTHER

APPENDIX S – PREVIOUS REPORTS

1. Previous Phase I reports (text and pertinent appendices only)
2. Previous Phase II Reports

CURRENT PHASE II REPORT (IF APPLICABLE) MUST BE SUBMITTED AS A SEPARATE DOCUMENT.

ENVIRONMENTAL TRANSMITTAL MUST BE SUBMITTED AS A SEPARATE DOCUMENT.

2. Report Timeframe

For 2026 Competitive Application submissions, the Phase I and Phase II Report (if applicable) must be completed or **updated within eighteen (18) months before the Competitive Application submission date**. For 2026 Threshold Application submissions, the Phase I and Phase II Report (if applicable) must be complete or **updated within one hundred eighty (180) days before the Threshold Application submission date**. Any updates must be performed within one year of the original Report to remain valid. For projects applying for federal funds, DCA may request an updated or new Phase I report prior to loan closing.

A. The date of the Phase I and Phase II Report must be clearly placed on the cover page of the Report.

B. The date of the site reconnaissance must be specified in Section 3.9 of the Phase I Report. The Phase I Report must be issued no more than sixty (60) days after the site reconnaissance unless waived by DCA at its sole discretion.

C. DCA reserves the sole right to require an update of any Phase I or Phase II which is equal to or greater than one hundred eighty (180) days old at the time of the tax credit award Final Allocation Application approval, or at the time of federal fund loan closing, or at any time prior to commencement of construction, if additional information regarding an environmental issue is discovered.

D. If an updated Phase I report is necessary because the original Phase I report is between one hundred eighty (180) days and eighteen (18) months old at the time of the tax credit award Final Allocation Application approval, or at the time of federal fund loan closing, or at any time prior to commencement of construction, then the updated Phase I must include the following updated components, in accordance with Section 4.6 of the ASTM Standards:

    1. Description of the new site reconnaissance, including visual inspection of the property and adjoining properties.
    2. Updated site photos.
    3. Updated federal, tribal, state, and local governmental records.
    4. Updated search for environmental liens.
    5. New interviews with owners, occupants, and operators of the property (or of neighboring properties, in the case of an abandoned or vacant site).
    6. All original materials and updates.

7. The opinion of an EP addressing all conditions (changed and unchanged) at the site.
8. The Consultant Signature Page for Phase I Reports signed by all appropriate parties.
9. An Environmental Certification signed by the EP who conducted the update.

3. Scattered Site

A. If all sites are within a 0.50 mile radius and each site has similar characteristics then a single Phase I is sufficient, however, each site must be described separately within Phase I.

B. If sites are outside of a 0.50 mile radius then separate Phase I is required for each site.

C. For unique circumstances, contact DCA to determine how to develop the report(s).

4. Previous Site Assessments

The EP must address any previous environmental site assessments (Phase I and/or Phase II) that were performed for the subject property in Section 4.6.5 of the Phase I Report and include the available previous Reports (applicable, referenced texts and appendices only) in Appendix S.

5. Environmental Records Search

Must include a comprehensive environmental record search, including all standard sources listed in Section 8.2.1 of ASTM E 1527-21.

A. The EP must consider the additional environmental record sources listed in Section 8.2.3 of ASTM E 1527-21.

B. The EP must field-verify the distance to any facilities identified in any of the standard environmental records or additional sources during the site reconnaissance and document such verification in Section 4.1.1 and 4.1.2 of the Phase I Report.

C. If the property, or any sites that adjoin the property, are identified in the review of the environmental records searches, the EP must perform a review of the regulatory files related to such properties and include that information in Section 4.1.1 or 4.1.2, as appropriate. If, in the EP's opinion, such additional regulatory review is not warranted, the EP must (1) specifically state as such in the Phase I Report and (2) provide an explanation justifying that decision.

6. Historic Review

Phase I must include a comprehensive historical review of the subject property. This must be discussed in the Phase I Report and documentation must be included in Appendix D of the Phase I Report

A. The Phase I must include in Appendix F a copy of the documentation provided by the Title Company or title professional regarding reasonably ascertainable recorded land title records, judicial records, and records of environmental liens and activity and use limitations.

1. The EP must discuss the chain of title, judicial records, records of environmental liens and activity and use limitations associated with the property and any other pertinent records found by the title company or title professional in the historical records review which, when reviewed

in its entirety, clearly shows a history of previous uses of the property back to 1940 or the property's obvious first developed use, whichever is earlier.

2. Although some of these items are designated "user" responsibilities in ASTM E 1527-21, DCA requires that the EP research, evaluate, and assess recorded land title records, judicial records and records of environmental liens and activity and use limitations.

B. This review *must* consider the "standard historical sources" listed in Section 8.3.4.1 through 8.3.4.8 of ASTM E 1527-21, to the extent required by ASTM. DCA may, at its sole discretion, also require the review of any sources listed in Section 8.3.4.9 of ASTM E 1527-21.

C. The EP must comment on the results of the historical review and must:

1. State whether information about environmental liens or activity and use limitation records were reasonably ascertainable;

2. Describe what efforts were made to identify environmental liens and/or activity and use limitations, and give a professional opinion as to any potential environmental concerns; and

3. Identify RECs, HRECs, CRECs, and/or non-ASTM issues uncovered during the historical review or state conclusively that no such RECs, HRECs, CRECs, and/or non-ASTM issues were identified.

7. Interviews

The EP must make reasonable efforts to conduct all interviews required by ASTM as part of the Phase I site assessment.

A. Note that for abandoned properties, the EP must also interview owners and occupants of neighboring properties.

B. The EP must also make a reasonable attempt to interview at least one staff member at each of the following:

1. local fire department;

2. state or local health department or environmental agency;

3. the local agency responsible for the issuance of building permits;

4. the local agency responsible for issuance of groundwater use permits;

5. state or local agency with jurisdiction over hazardous waste disposal.

The purpose of such an interview is to obtain information indicating recognized environmental conditions in connection with the property.

C. Documentation of all interviews (or documentation of attempts to complete such interviews) must be included in Appendix G.

D. The consultant preparing the Phase I Report must gather from the user(s) of the Phase I Report all information required in Section 6 of ASTM. Information obtained from the user interview(s) must be included in Section 4.3.4 of the Phase I Report, and documentation of the interview(s) must be included in Appendix G.

E. The Applicant must be interviewed as a "user" for every Phase I Report submitted to DCA. Additionally, for purposes of Applications submitted to DCA, all of the following parties are also considered "users": the entity that has title to the property or the entity that will take title to the property, project development partners, equity partners for the project, and any other party which would be defined as a "user" within the meaning of Section 3.2.98 of ASTM E 1527-21.

F. Where there are multiple users, the text of Section 4.3.4 of the Phase I Report must make clear from which user the information was obtained.

G. If the consultant preparing the Phase I Report was unable to interview any one or more users, the consultant must describe what attempts were made to interview such users, include documentation of these attempts in Appendix G and discuss the data gap in Section 4.4.

8. Visual and Physical Inspection

The EP must visually and/or physically observe the site as well as adjoining properties and note any physical limitations to all visual inspections.

9. Photographs

Photographs documenting the current state of the property must be included in Appendix I of the Phase I Report.

A. The photographs must show the inside of any structures and the grounds of the property (including adjacent sites) unless structures are to be demolished.

B. The photographs must be clearly dated and labeled with a description of the view presented.

10. Additional Required Documentation

These forms are found in the forms section of the Qualified Allocation Plan documents.[1]

A. Consultant Signature Page for Phase I Reports: This document must be completed, signed by the appropriate parties, and included immediately after the cover of the Phase I Report.

B. Environmental Certification: This document must be completed, signed by both the EP and Applicant, and included immediately after the Consultant Signature Page.

C. Owner Questionnaire & Disclosure Statement:

    1. This document must be completed and signed by the owner of record of the proposed development site and must be notarized no earlier than ninety (90) days prior to Application submission. Signatures and notarization must be in the spaces provided on the form.

[1] https://www.dca.ga.gov/safe-affordable-housing/rental-housing-development/housing-tax-credit-program-lihtc/application

2. The EP must seek out the information the owner of record cannot provide and address the information in the Phase I Report.

D. Environmental Transmittal: The EP must prepare this document and include it with the Application separate from the ESA. All entries must be fully documented and explained in the Phase I Report.

E. HOME and HUD Environmental Questionnaire: This document must be included in the Phase I Report for all projects requesting DCA-administered HOME funding and/or HUD funding sources, including but not limited to PBRA.

F. Proof of Insurance: Proof of insurance in specified amounts listing GHFA and DCA as additional insured on the general commercial liability policy and giving the proper 30-day cancellation period. See I. *Introduction, 8. Insurance Requirements.*

G. Letters of Reference: The environmental consulting firm that performed the Phase I (and Phase II, if required) must include in Appendix B of the Phase I Report, three letters of reference attesting to the firm's prior work. At least one of the references must be from a real estate firm or law firm that used the environmental consulting firm to support a real property transaction. Letters of reference must be for work completed within the last twenty-four (24) months.

11. Data Gaps & References

A. Data Gaps

Must identify and comment upon:

1. All supporting data and test results.
2. Any and all data gaps or data failures (collectively "Data Gaps"), as defined in Section 3.2.20 and Section 3.2.21 of the ASTM Standards. Data Gaps frequently include, but are not limited to, inability to interview the owner of the property, failure by the user to provide information specified in Section 6.0 of ASTM E 1527-21, or inability to document historical use of the property back to 1940 or the property's obvious first developed use, whichever is earlier.
    a. Data Gaps must be discussed in Section 4.4 of the Phase I Report.
    b. The EP must also enumerate in this section the good faith efforts made to gather the information that could not be obtained.
3. Commonly known/reasonably ascertainable information available to the user(s) or within the local community about the property. This information must be discussed in either Section 4.3.4.4 (if obtained from the user) or Section 3.10 (if gathered by the EP) of the Phase I Report.

B. Data References

All data references (including, but not limited to, the following: regulatory database search references; the ASTM standard followed; floodplain maps; wetlands maps; U.S. Topographical maps; soil survey; aerial photographs; telephone interviews with agencies; and fire insurance maps, if available) used to complete the Phase I Report must be listed in Section 8.0 of the Report.

12. Site Map

Must include a Site Map, to scale, in Appendix J showing:

A. An area large enough to display the relative location of the site in its orientation to adjacent properties and facilities, with existing streets and drives within fifty (50) feet of the site.

B. Delineation of the perimeter of any major existing structures on the site, including those designated for demolition.

C. Any visible or reasonably ascertainable easements on the site.

D. Environmental concerns or recognized environmental conditions, where applicable.

E. Direction (established or presumed) of groundwater flow.

F. The boundaries of all floodplains, wetlands, and/or potential State Waters and related buffers on or adjacent to the site.

13. Professional Opinion, Findings and Related Requirements

A. Primary Requirements

The EP must provide a professional opinion on the following.

Phase I Report:

1. Must contain an Executive Summary setting forth clearly written conclusions, including the exact language from either Section 12.8.1 or Section 12.8.2 of the ASTM Standards, as appropriate, and recommendations.
2. The existence or non-existence of any RECs, HRECs, CRECs, suspected environmental concerns, and/or non-scope issues. Must include clear findings in Sections 1.2 and 6.0 regarding whether or not there are any recognized environmental conditions (RECs), historical recognized environmental conditions (HRECs), or controlled recognized environmental conditions (CRECs), as those terms are defined in Sections 3.2.18, 3.2.42, and 3.2.78 of ASTM E 1527-21.
    a. *Identified RECs*: The Phase I must indicate whether any additional testing or analysis is recommended and, in the EP's opinion, the rationale for recommending or declining to recommend additional testing or analysis.
    b. *Identified HRECs*: The Phase I must indicate that past remedial measures have been taken to the satisfaction of the applicable regulatory authority and/or that the property currently meets criteria established by the applicable regulatory authority permitting unrestricted use of the property without the use of any mandatory controls.
    c. *Identified CRECs*: The Phase I must indicate that the release has been addressed to the satisfaction of the applicable regulatory authority and what controls remain in place for that CREC. Note that ASTM E 1527-21considers CRECs also to be RECs for the purpose of Phase I assessment findings.
3. Whether the property has known contamination or is at risk for contamination from any RECs, HRECs, CRECs, suspected environmental concerns and/or non-scope issues.

4. Whether further environmental assessment activities, testing, or a Phase II Report are necessary.
5. Whether "all appropriate inquiry," as described in Section 3.2.6 of ASTM E 1527-21, was conducted.
6. The significance of all Data Gaps pertaining to the EP's ability to identify any RECs, HRECs, CRECs, suspected environmental concerns, and/or non-scope issues.

Phase II Report:

1. Whether the property is contaminated.
2. Whether any contamination discovered is from an on-site or off-site recognized environmental condition, suspected environmental concern, and/or non-scope issue.
3. The Phase II or Non-Scope Testing Report must list as users the same parties that the Phase I report listed and must state that they may use and rely upon the Report. These parties include: the entity that has title to the property or the entity that will take title to the property, project development partners, equity partners for the project, and any other party which would be defined as a user within the meaning of Section 3.2.98 of ASTM E 1527-21.

B. Additional Requirements

Reliance on Reports by DCA and GHFA:

1. The Phase I Report, Phase II Report and the Environmental Certification must state that DCA and GHFA may rely on the Phase I Report and Phase II Report.
2. For Phase I Reports, this statement must be included in Section 2.7 of the Report.

Contamination determined: Where contamination is known, a professional opinion as to,

1. Whether any regulatory reporting or cleanup obligations are triggered.
2. Whether any onsite or offsite contamination at or in close proximity to the subject property poses a hazard to human health and safety.
3. Whether the subject property is likely to be listed on the Georgia Hazardous Site Inventory ("HSI") or otherwise become part of an HSI site based on any documented soil and/or groundwater contamination.
4. Whether the proposed project would exacerbate any existing contamination, upon reviewing the site plans.

C. Restrictions/Limitations

ESAs must *not* contain:

1. *Liability*: Any language eliminating or disclaiming the liability of the EP or their firm.
2. *Duties, obligations, work statement:* Any language eliminating or modifying the EP's duties, obligations, or statement of work.

3. *Exclusivity*: That the report is exclusively for the use of the party who hired the EP or that there is no accountability, obligation or liability to any third party.

Phase I: Non-ASTM Requirements

The Phase I Report must also address and discuss the following issues.

1. Wetlands

A. Definition

According to the regulatory definition in 33 CFR Part 328 40 C.F.R. 230.3s, the term *waters of the United States (WOTUS)* means:

1. The territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide [**TNWs]**;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
    i. which are or could be used by interstate or foreign travelers for recreational or other purposes;
    ii. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    iii. which are used or could be used for industrial purposes by industries in interstate commerce;
    iv. tributaries of waters identified in paragraphs a. through d. of this definition;
    v. the territorial sea; and
    vi. wetlands adjacent to waters identified in paragraphs a. through f. of this definition.
4. All impoundments of waters listed above.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are typically not considered “aquatic resources” for Corps purposes. (Unless they were constructed within WOTUS or if lack of maintenance has caused the feature to function as a wetland and it meets all the criteria for a WOTUS.)

B. Minimum Documents for ESA

If aquatic resources are suspected or identified on the site, the Phase I ESA must include a delineation report that includes relevant mapping with the subject property and aquatic resource boundaries clearly marked, and other pertinent site information. DCA requires that a qualified consultant perform an aquatic

resources delineation. This delineation must be performed in accordance with all federal guidelines and included in the Application. The purpose of the delineation is to verify the existence of aquatic resources and to determine the extent thereof.

The EP must describe in Section 5.1 of the Phase I Report its determination regarding whether any portion of the subject property is or may be considered aquatic resources based upon:

1. A review of the U.S. Fish and Wildlife Service National Wetlands Inventory ("NWI") maps;
2. The site reconnaissance; and
3. Any other available relevant resources (including, but not limited to, the USGS topographic map and Soil Survey for the subject property).
    a. The presence of aquatic resources (including streams or any wetland areas) on the property must be clearly shown on the Site Map.
    b. A copy of the NWI map, USGS topographic map, soil map, any necessary aquatic resource delineation report, and USACE permits (if applicable) must be included in Appendix K of the Phase I Report. These maps must also show the location of utilities in reference to the delineation, as utilities on the subject property cannot run through wetlands.

C. Funding Conditions

Projects will not be accepted for any DCA funding or approved for tax credits if the proposed development will disturb any aquatic resources (ex. streams or wetlands) on the subject property or on any adjacent property without evidence of prior review and concurrence of the delineation by the U.S. Army Corps of Engineers (USACE).

D. Proposed Disturbance

Applicant must seek approval from DCA and acquire all federal, state, and local permits prior to the impact or disturbance. If impact or disturbance is part of the proposed development, the following must be completed and submitted to DCA:

1. Completed, signed (by landowner), and dated "Request for Delineation" document.[2]
2. Owner must apply for a delineation concurrence (ARDR) or jurisdictional determination (AJD) and Permit (NWP) with the US Army Corps of Engineers upon notification of funding.
3. *Delineation and Permit:* The evidence of submittal for ARDR, AJD or NWP from the USACE must be submitted to DCA prior to closing. Upon written request by the Applicant, DCA may grant additional time to receive evidence of USACE concurrence. Evidence must include:

[2] See Appendix: http://www.sas.usace.army.mil/Portals/61/docs/regulatory/SAS__Appendix_1_Request_15FEB17.pdf?ver=2017-02-15-145830-340 –choose "other" in Section I and "Delineation Review of Aquatic Resources" in Section II

a) the complete Pre-Construction Notification that was submitted to the USACE.

b) a professional opinion.

documentation demonstrating that all requirements of 24 C.F.R. 55.12c7 have been met, including, but not limited to, a Permanent Covenant and provision for site drainage that will not have an adverse effect on the aquatic resources. The permanent covenant and site drainage plan are conditions of funding and must be in place at the time of closing.

4. *Erosion and sedimentation control measures* must be installed and maintained in accordance with the Georgia Erosion and Sedimentation Control Act of 1975, as amended to minimize the introduction of sediment into and the erosion of streams, wetlands, and other waters of the United States. The erosion and sedimentation plan outlined in the Phase I ESA must be followed to prevent impact to the wetland areas. (This also applies to flood plains and state water)

5. Non disturbance: If the proposed development is not expected to disturb the aquatic resources, it must be made clear to DCA through the delineation and project concept plans that the development activities will have no impact. In addition, the site drainage plan and Permanent Covenant must be in place at the time of closing to preserve the wetland according to the requirements of 24 C.F.R. § 55.12 (c)(7).

6. *HOME/HUD funding additional requirements*

    a. If the project includes new construction as defined in E.O. 11990 and no exception in section 55.12 applies, the 8-Step Process must be completed (24 CFR 55 as a guidance).

    b. If an exception in section 55.12 applies, the 8-step process is not required. Projects excluded under 55.12a must complete the 5-step process.

    c. Projects excluded under 55.12b or c do not need to complete the 5 or 8-step process.

    d. For details check https://www.hud.gov/sites/documents/23388_WETLANDS.PDF

2. State Waters

A. Definition

"State Waters" are defined as any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

B. Minimum Documents for ESA

The EP must follow the Georgia Environmental Protection Division's *Field Guide for Determining the Presence of State Waters That Require a Buffer*, Ga. Comp. R. & Regs. Part 391-3-7, and municipal and county regulations to identify any potential State Waters requiring a buffer and the extent of all applicable buffers that are

1. located on the subject property, or

2. located on an adjacent property where the required buffers may encroach on the subject property.

The minimum buffer distance for all streams is 25 feet, with the exception of trout streams, which require a minimum 50-foot undisturbed buffer.

The location and extent of any potential State Waters and buffer standards must be observed and described in Section 5.2 of the Phase I and shown on the Site Plan.

C. Funding Conditions

No project involving a land-disturbing activity in a required buffer area will be accepted for DCA funding or approved for tax credits *unless* the appropriate variance(s) or exemption(s) has been applied for from all appropriate agencies with jurisdiction over such buffers, and documentation of such application for variance(s) or exemption(s) must be submitted before construction commencement.

If the EP believes that State Waters are located on/adjacent to the subject property and will be disturbed within the buffer, DCA requires:

1. That the Local Issuing Authority, as determined by the EPD, make the final State Water determination and
2. That the letter with the Local Issuing Authority's findings be included in the Application.
3. If the letter has not been received at the time of submission, the letter must be submitted to DCA before construction commencement.

If disturbance of streams is proposed where site constraints necessitate it, such as if a proposed stream crossing cannot span the entirety of the water (such as a culvert road crossing), permit from the USACE is required and documentation of this type of condition must be provided to DCA.

3. Floodplains/Floodways

A. Definition

In accordance with 24 C.F.R. Part 55.2, 100-year floodplain refers to the area subject to inundation from a flood having one percent or greater chance of being equaled or exceeded in any given year.

Special Flood Hazard Areas refer to the land area covered by the floodwaters of the base or 100-year flood (an area of land that has an approximate 1 percent probability of a flood occurring on it in any given year).

Regulatory Floodway within the Special Flood Hazard Area means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

B. Minimum Documents for ESA

The EP must review the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) to determine if any part of the subject property is located in a Special Flood Hazard Area. FIRM information is available for free download through FEMA's Map Service Center, and viewers are available

from the Georgia Department of Natural Resources Floodplain Unit[3] and FEMA. If a FIRM is not available for the development site, the Applicant must provide evidence that shows that the site is not prone to flooding. The exact location of the development must be clearly marked on the map.

1. Both rehabilitation and new construction tax credit projects must meet the following requirements:
    a. A copy of the FIRM for the subject property must be included in the Appendix K of the Phase I Report, whether or not there are Special Flood Hazard Areas identified on the subject property.
    b. The boundaries of the proposed site for development must be delineated on the FIRM.
    c. A Floodplain Encroachment Review Report prepared by the Floodplain Unit, Environmental Protection Division, Georgia Department of Natural Resources.
2. For HOME funded projects include the HUD Environmental Questionnaire in Appendix P of the Phase I Report.

C. Funding Conditions

In accordance with 24 C.F.R. 55.1c1 and 2, no funding will be approved in regulatory floodways or Coastal High Hazard Areas (often referred to as V Zones on FEMA FIRMs), as those terms are defined in 24 C.F.R. 55.2b.

Special Flood Hazard Areas (rehabilitation and new construction):

1. The presence of Special Flood Hazard Areas (including floodways and Coastal High Hazard Areas) must be clearly defined and supported by the appropriate FIRM.
2. A Site Map that clearly defines the Special Flood Hazard Area in relation to all site improvements, including buildings, paving, and site amenities, must be included in the Phase I, Appendix K.
3. The Conceptual Site Development Plan must clearly show where all development and incidental development lies in relation to Special Flood Hazard Areas.
4. *NFIP Participating Community*: All requirements of any local flood damage prevention ordinance adopted by a community in the National Flood Insurance Program (NFIP) must be met. It should be noted that some participating NFIP communities adopt standards that exceed the minimum standards of the NFIP, including regulating areas not currently mapped into Special Flood Hazard Areas, such as future conditions floodplain and areas defined as adjacent to the Special Flood Hazard Area. Evidence must be submitted. Participation information for all jurisdictions is publicly available through FEMA's NFIP Community Status Book.
5. *Not an NFIP Participating Community*: If a development is in community that does not participate in the NFIP but the community has adopted local flood damage prevention ordinances, all

[3] Georgia Department of Natural Resources, Environmental Protection Division. Georgia DFirm. Accessed 2020. http://www.georgiadfirm.com/#.

requirements the community has adopted must be met. Only eligible for funding where the existing buildings, paving, or site amenities are located in a Special Flood Hazard Area (outside of a floodway or Coastal High Hazard Area) if the following is included with the Application Submission:

a. Evidence must be provided that the elevation of the lowest existing floor is no lower than one (1) foot above the base flood elevation as given by the applicable FIRM, Flood Insurance Study (FIS), or other source.

b. Such documentation must clearly demonstrate existing conditions and must include a land survey indicating the location of the existing buildings, paving, and site amenities, Special Flood Hazard Areas, elevation of the lowest existing floor, and base flood elevations. FEMA's "NFIP Insurance Agents' Lowest Floor Guide" offers guidance on determining lowest floor elevation information.

Reclassified out of Special Flood Hazard Area (all HOME and new LIHTC)

If the property will be reclassified out of the Special Flood Hazard Area in all areas where site improvements will be placed (including buildings, paving, and site amenities) prior to project completion, the following documentation showing the reclassification must be included with the Application Submission to be eligible for funding:

1. All Special Flood Hazard Areas must be documented by the FIRM for the areas in which the site is located, regardless of whether the proposed site for development appears to be located in a Special Flood Hazard Area.
2. The qualified EP or Engineer must include an opinion as to whether or not the proposed project will impact any Special Flood Hazard Areas;
3. A FEMA Conditional Letter of Map Amendment (CLOMA), Conditional Letter of Map Revision (CLOMR), or Conditional Letter of Map Revision Based on Fill (CLOMR-F) must be obtained for the property that shows that the property is eligible for reclassification out of the Special Flood Hazard Area and submitted at the time of application. A final Letter of Map Amendment (LOMA), final Letter of Map Revision (LOMR), or final Letter of Map Revision-Based on Fill (LOMR-F) from FEMA along with an elevation certificate and all other information to document the reclassification must be provided to DCA at the completion of the project and;
4. Non-substantial rehabilitation: "Substantial improvement," as defined in 44 C.F.R. Part 59.1, is any reconstruction, rehabilitation, addition or other improvement to a structure for which the total cost equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement:

    a. Where the work is not deemed (by the local jurisdiction?) to be "substantial improvement," DCA may consider evidence that the property is eligible for flood insurance and that such insurance will be in place if awarded funding from DCA in lieu of a CLOMA, CLOMR, or CLOMR-F.

    b. Where the improvement is deemed (by the local jurisdiction?) to be "substantial improvement," then structure(s) must be brought into compliance with current floodplain regulations.

HOME-funded Applications: additional requirements

1. Include the HUD Environmental Questionnaire in Appendix P of the Phase I Report.
2. Where construction, site improvements, and landscaping activities occupy or modify the Special Flood Hazard Area, documentation for HOME funding must include evidence that the eight-step Floodplain Management process has been followed as mandated by 24 C.F.R. Part 55.20 (Executive Order 11988).
3. Documentation from the EP regarding direct and indirect impacts associated with constructing the project on or near a Special Flood Hazard Area.
4. Documentation from the EP regarding the consideration of alternative locations for the development.

   Flood insurance is required for any buildings located in the mapped Special Flood Hazard Area for HOME-funded projects. Such insurance must be in the form required by the US Department of Housing and Urban Development.

Future Development

If future development is considered for this area of the site, further investigation and study will be required to determine flood zone elevations, setbacks, and/or buffer requirements, and flood insurance may be required.

4. Endangered Species

A. Minimum Documents for ESA

The EP must review a full list of threatened and endangered species and critical habitats that may be impacted by each project from the U.S. Fish and Wildlife Service Information for Planning and Conservation (IPaC) website https://ecos.fws.gov/ipac/. The IPaC species list is valid for 90 days and must be updated after 90 days. For technical assistance or concurrence with determinations of effect to federally listed species and critical habitats, please send project details to GAES_Assistance@fws.gov for review. Please also refer to the environmental review guidelines for state listed species and habitats on the Georgia Department of Natural Resources Wildlife Conservation Section's (WCS) website http://www.georgiawildlife.com. For assistance or project recommendations from WCS, please contact Nongame.Review@dnr.ga.gov. The EP must provide the official IPaC species list and comment regarding on-site habitats, the potential for the presence of endangered species and whether or not the presence of such species will be impacted by the proposed development.

Please note*:*

Endangered Indiana bats (*Myotis sodalis*) and threatened northern long-eared bats (*Myotis septentrionalis*) occur over a large portion of northern Georgia and utilize our forests in the summer to form maternity colonies and raise pups. Forests surrounding caves also provide critical habitat for northern long-eared bats in the spring and fall. The range of both Indiana and northern long-eared bats, as well as endangered gray bats (gray bats do not roost in forest but in caves only), can be found through U.S. Fish and Wildlife Service's Information for Planning and Conservation website here: https://ecos.fws.gov/ipac/. Care must be taken during project planning to avoid harm to threatened and endangered bat species. For technical

assistance related to bats, please contact Laci Pattavina in the USFWS Ecological Services Athens Field Office at laci_pattavina@fws.gov.

B. Funding Conditions

If a threatened, endangered, proposed and candidate species or critical habitats may be affected by the proposed project, surveys for species of conservation concern must be conducted prior to commencement of construction. The verification must be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation.

For developments in areas where the northern long-eared bat and/or Indiana bat occur, and potential suitable habitat is present, applicants must provide: a project description, a location map, and project center-point coordinates, preferably in decimal degrees, to U.S. Fish and Wildlife Service. If no response is received in 30 days, the development is in compliance.

5. Noise

A. Minimum Documents for ESA

Screen for Noise Sources: The EP must discuss in Section 5.5 of the Phase I Report its determination regarding whether the subject property (or any part thereof as measured from the property line) is within:

1. Fifteen (15) miles of military airfield;
2. Five (5) miles of a civil airport;
3. 1000 feet of a major roadway (any roadway with 10,000 AADT) or;
4. 3000 feet of a railroad or rail line.

Property within above distances: If the subject property (or any part thereof as measured from the property line) is within the distances of noise sources discussed in the paragraph above, the ESA must include

1. Complete a noise assessment in accordance with the HUD Noise Assessment Guidelines (NAG) and 24 C.F.R Part 51.100 *et seq*.;
2. The EP's opinion on the results of such assessment/study; and
3. If noise levels are not acceptable, a complete Noise Attenuation Plan for remediation of sound levels.

Property not within the above distances:

If the subject property (or any part thereof as measured from the property line) is not within the distances of noise sources discussed in the paragraph above, the EP must

1. Provide evidence that the property is not within the above distances, and
2. Provide an opinion on the results of such assessment/study.

Noise Assessment Requirements

1. The Noise Assessment must be completed within one hundred eighty (180) days before Application submission.

2. The Noise Assessment must include the following documentation in Appendix M:

    a. Map(s) showing that Noise Assessment Locations (NALs) were established in accordance with HUD requirements for each noise-sensitive use. The maps should clearly delineate the location of NALs and distances between the existing or proposed subject buildings and/or exterior amenities and the above-listed noise sources (the location of the noise assessment locations (NALs).

        i. A minimum of two NALs must be included in the assessment; number and locations of NALs must be sufficient to cover all buildings and site amenities. Noise levels must be provided for each NAL.

        ii. Outdoor noise-sensitive use is generally any space or area designed for use as recreational or entertainment purposes such as (but not limited to) parks, gazebos, playgrounds, picnic or barbeque areas, swimming pools and associated deck areas, etc. Outdoor uses that are not noise-sensitive are generally utilitarian in nature, with most people using them only occasionally and briefly. Examples include parking lot, mail kiosks, car wash areas, detached garages. Outdoor noise-sensitive uses would generally not include sidewalks unless the walkway was part of a nature trail, for example.

    b. Noise levels must be documented using the Site DNL Calculator located at HUD's website: https://www.hudexchange.info/environmental-review/dnl-calculator/

    c. Documentation from the Georgia Department of Transportation and/or local traffic planning agencies detailing the most recent traffic counts for major roadways.

    d. Documentation from applicable railroad operators regarding daily operations, or data from the Federal Railroad Administration (FRA) Crossing Inventory website/app.

    e. Noise contours published by military or civil airports.

    f. Noise contours constructed according to the HUD Noise Assessment Guidelines when published contours are not available for civil and military airports or use the HUD Airport Noise Worksheet which can be found at: https://files.hudexchange.info/resources/documents/Airport-Hazards-Worksheet.docx

    g. Comments on potential effects from railway and aircraft traffic growth, as deemed necessary.

    h. 10-year roadway projections: If local or state traffic projections are not available, take currently available traffic estimates and project a 3% per year growth for 10 years from the date of this application and notate this calculation in the noise assessment.

        i. Alternative methods for projecting 10-year traffic projections must be accompanied by adequate documentation from state and local planning authorities.

    i. Must include roadways, aircraft, railway noises, and other contributing noise sources, such as factories, mills, or other sources that may emit loud levels of noise. In circumstances where a project is suspected of being exposed to non-transportation

related noise sources, Noise Measurement (as opposed to Noise Calculation) using Type 1 Sound Meters may be warranted. Consult with your assigned HUD Field Environmental Officer (FEO) for any project where Noise Measurement is being considered.

The Noise Assessment Guidelines are in the HUD *Noise Guidebook:* https://www.hudexchange.info/resource/313/hud-noise-guidebook/

Noise Attenuation Plan

If the Noise Assessment indicates that the calculated 10-year projected noise level at any building or outdoor noise-sensitive use is greater than the HUD "Acceptable" standard of 65 decibels (dB), a complete Noise Attenuation Plan is required. The proposed remediation must demonstrate that it will bring the interior sound levels to 45 dB or less, and exterior sound levels at outdoor noise-sensitive uses to 65 dB or less, in accordance with the HUD Noise Assessment Guidelines ("NAG"), 24 C.F.R Part 51.100 et seq. No exterior amenities or gathering areas (excluding parking) may be placed in the zones that exceed acceptable exterior noise levels after existing or proposed noise attenuating barriers are accounted for.

3. Submit the Noise Attenuation Plan with the Phase I Report in Appendix M.
4. The Attenuation Plan must contain sufficient detail to allow DCA to independently verify that the proposed interior and exterior noise mitigation measures will result in these reduced noise levels.
5. All sound mitigation costs must be included in the construction development budget.
6. Mitigation of interior noise levels with building materials: Must submit a letter, which may use HUD's Sound Transmission Classification Assessment Tool (STraCAT) assessment tool as support, from the architect and/or EP that:
    a. discusses the sound transmission class of the construction materials that are to be specified for the project;
    b. contains an estimate of the interior noise levels in the interior of the buildings at the project site after construction is completed;
    c. and provides an opinion that the Noise Attenuation Plan will reduce noise levels to an acceptable level.
7. Mitigation with barriers: Must provide the appropriate work charts from Chapter 5 of the HUD Noise Guidebook to demonstrate the value of the barrier adjustment. HUD's on-line Barrier Performance Module may only be used to supplement the traditional work charts from the Noise Guidebook. DCA does not consider any type of tree to provide any barrier to the transmission of sound. Documentation to support the barrier performance must also be provided as follows:
    a. scaled diagrams of the physical situation proposed with noise barrier containing detailed heights, lengths, and angle measurements;
    b. a description of the composition of the natural or manmade barrier;

c. topographic maps that support the elevations of the noise source,

d. proposed barrier, and

e. ground floor elevation of the proposed building or amenities.

B. Funding Conditions

All developments must meet DCA requirements for interior and exterior noise limits. The DCA and HUD Noise Limitations are 45 decibels (dB) for interior locations and 65 dB for exterior amenities. For HUD funded projects submitted to DCA, all new construction and rehabilitation projects must also meet the requirements set forth in the HUD noise regulations, 24 C.F.R. 51b. Applications for rehabilitation may request a waiver from HUD Noise Limitations. Any such waiver would have to justify and document compliance with the requirements of 24 CFR 51.101(a)(5), and may also be subject to the Executive Order on Environmental Justice.

6. Radon Gas

A. Minimum Documents for ESA

Must discuss the designation of the property on the most current, updated version of the EPA Map of Radon Zones in Section 5.6, and include the EPA Radon map in Appendix N.

1. Rehabilitation, use of existing structure: A radon test must be performed in compliance with ANSI/AARST MAMF2017. A copy of the Radon Report must be attached to the Phase I Report in Appendix N.
2. New construction: Must include statements that state the building(s) are constructed in accordance with current ANSI/AARST standards for radon resistant construction techniques.
3. Minimum testing locations: One test per every 2000 square feet of ground-contact units.
    a. Radon concentrations can be highly localized and best practice for radon testing must involve a certified radon tester (http://www.nrsb.org/).
    b. If elevated radon levels are detected in the ground floor units, it is required that at least one test be located in each building on the second floor, covering a minimum of 10% of the second floor units.
    c. Must follow the testing standards in compliance with ANSI/AARST MAMF2017 and HUD MAP Guidance.
    d. Radon must be tested by a licensed consultant.

B. Funding Conditions

1. New Construction:
    a. Building(s) must be constructed in accordance with current ANSI/AARST radon resistant construction standards.
    b. The buildings must be tested for radon upon completion of construction.

2. Any confirmed radon readings that exceed the EPA limits (4 pci/l or 0.02 WL) must be mitigated in accordance with [4].

    a. The Application must include documentation that mitigation

        i. has been properly conducted and verified; or

        ii. is planned as part of the work scope for the property.

7. Asbestos

C. Minimum Documents for ESA

An asbestos survey must be performed on all buildings scheduled for demolition or rehabilitation, regardless of when they were constructed. The EP must note the condition of all presumed and suspected asbestos containing materials ("ACM") – as defined by OSHA, Federal NESHAP, and Georgia Asbestos Safety Act and Rules – in the Phase I Report.

1. If any structure or improvement is suspected or presumed to have ACM, then a representative sampling is required to confirm the presence and extent of any such ACM. A minimum of one unit per building or 10% of the total units must be tested, whichever is greater.
2. If a comprehensive asbestos survey was performed for the property on or after January 1, 1986, by an EPA-licensed asbestos inspector, then the EP must also review the previous survey and discuss it in the Phase I Report.
3. All asbestos related assessments, testing, and remedial action programs must be performed in compliance with state and federal law and current EPA guidelines, including, but not limited to, *Guidance for Controlling Asbestos Containing Materials in Buildings,* EPA 560/5-85-024.[5]

D. Funding Conditions

1. The demolition or rehabilitation of any improvement must be completed in accordance with all applicable laws and regulations. Notification to the Georgia EPD 10 days prior to the rehabilitation/demolition is required under the NESHAP regulation regardless of whether ACM is present. Throughout the site, any suspect materials like those that were found to contain asbestos or materials different from those noted to have been sampled must be presumed to contain asbestos until proven otherwise by appropriate means.
2. Quantities of any suspect materials, once identified, must be determined or verified by a qualified, licensed abatement contractor. DCA requires friable ACM to be remediated by removal or

[4] https://standards.aarst.org/RMS-LB-2018/4/

[5] U.S. E.P.A. *Guidance for Controlling Asbestos-Containing Materials in Buildings.* EPA 560/5-85-024. Washington, D.C.: Exposure Evaluation Division, Office of Toxic Substances, Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, 1985.

encapsulation. Quantities of confirmed ACM that are to be abated/remediated must be corroborated by the prospective abatement contractor. All abatement quantities must be verified prior to finalizing the abatement contract. The quantities given in the attached detected asbestos tables are only estimates and must not be relied on for final abatement quantities without verification.

3. All ACM in quantities equal to or greater than NESHAP or GA reportable quantities must be removed by a GA-licensed abatement contractor prior to any demolition or major rehabilitation where it may be disturbed.
4. If any encapsulated friable asbestos containing material (ACM) or any non-friable ACM are to remain in any structure or improvement, the following must be submitted and approved by DCA upon the completion of remedial actions and prior to lease-up:
    a. An Operations and Maintenance ("O&M") Plan. All Operations and Maintenance plans must be in conformance with current EPA guidelines, including, but not limited to, *Managing Asbestos in Place: A Building Owner's Guide to Operations and Maintenance Programs for Asbestos Containing Materials*[6] and the DCA O&M Guidance Plan included in this Manual.
    b. An asbestos clearance inspection prior to re-occupancy.
5. If ACMs are to be removed from the project, it must be done by a properly licensed contractor. Care must be taken during any planned rehabilitation or demolition activities regarding all detected and suspect ACM and protection or removal must be completed in accordance with all federal, state, and local laws, rules, and regulations.

8. Lead

A lead-based paint inspection must be performed prior to application submission. If lead is detected, then a complete risk assessment, safe work practices, and interim controls or abatement are required of both the interior and exterior of any structure located on the subject property using EPD and HUD-approved testing methods and procedures.

Exempt properties:

A. The structure was constructed after 1978,

B. The structure is vacant and will remain vacant until it is demolished, and/or

C. The structure has a valid certificate of compliance under applicable lead-based paint laws.

All HOME-assisted projects must inspect all interior and exterior surfaces for the presence of lead-based paint (except exempt properties).

---

[6] U.S. E.P.A. Managing Asbestos in Place: a Building Owner's Guide to Operations and Maintenance Programs for Asbestos-Containing Materials. EPA 20T-2003. Washington, DC: U.S. Environmental Protection Agency, Pesticides and Toxic Substances, 1990.

Demolition (structures to be or already):

Residential structures to be demolished: If (b) the structure is vacant and will remain vacant until it is demolished, then no paint chips or planned debris may remain on site when demolition activities are completed and a paint testing and risk assessment are not required, however lead in soil sampling for total lead is required.

Structures already demolished: Where structures formerly present on the subject property were already demolished, lead in soil sampling for total lead is required. See Lead in Soil section.

If former structures have been removed and the site has been redeveloped/graded, such that sufficient soil disturbance has occurred at the locations of the previous structures, lead in soil testing is not necessary. This should be clearly documented in the report.

Non-residential structures to be demolished: Must adhere to the Lead Toxicity Characteristic Leaching Procedure (TCLP).

A. Requirements

1. *Risk Assessment*: Perform a risk assessment in dwelling units, in common areas servicing those units, and on exterior painted surfaces, as described in 24 C.F.R. 35.1320b, before Application submission. A risk assessment is an onsite investigation of a residential building for lead-based paint hazards and includes but may not be limited to: a visual inspection; targeted environmental sampling of dust, soil, and deteriorated paint in at least 10% of units and common areas, and a report of the results that identifies acceptable abatement strategies for controlling any identified lead-based paint hazards. Risk assessors must use standards for determining hazards that are the most protective of the EPA at 40 C.F.R. 745.227h, state regulations such as Georgia Chapter 391-3-24, and the following levels for dust or soil:

    a. Dust: A dust-lead hazard is surface dust that contains a mass-per-area concentration (loading) of lead, based on wipe samples, equal to or exceeding the applicable level in the following table:

Evaluation Method	Surface			
	Floors, µg/ft^2 (mg/m^2)	Interior window sills, µg/ft^2 (mg/m^2)	Window troughs, µg/ft^2 (mg/m^2)	Exterior porch floors, µg/ft^2 (mg/m^2)
Risk Assessment	≥5 (0.05)	≥40 (.43)	Not applicable.	Not applicable.
Clearance	<5 (0.05)	<40 (.43)	<100 (1.1)	<40 (0.43)

    b. Soil*:*

        i. A soil-lead hazard is present if:

1. The soil-lead concentration from a single composite play area sample of bare soil if equal to or greater than 200 parts per million (micrograms per gram).

    a. A play area is specifically defined as "*an area of frequent soil contact by children of less than 6 years of age as indicated by, but not limited to, such factors including the following: the presence of play equipment (e.g., sandboxes, swing sets, and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners*"[7] .

2. For the rest of the yard (non-play areas), the arithmetic mean lead concentration from a composite sample (or arithmetic mean of more than one composite sample) is equal to or greater than 1,200 parts per million (micrograms per gram).

    a. Arithmetic mean refers to "*the number obtained by dividing the sum of a set of quantities or concentrations (such as soil sample concentrations) by the number of quantities or concentrations in the set"*[8].

    ii. If any lead-based paint is identified, then soil sampling for total lead content must be conducted in accordance with Ga. Comp. R. & Regs. R. 391-3-24-.06. In situations where a regulatory requirement is not specified, additional guidance such as Chapter 5 Section II.G of HUD's *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing* (2012 or most current edition) should be consulted to help in determining the appropriate number and location of samples and applicable sampling protocols. For non-commercial/non-child occupied properties, cleanup of lead-based paint contaminated soil (if required by EPD) must be conducted in such a manner to meet the cleanup requirements in the Georgia Rules for Hazardous Waste Management, Chapter 391-3-11 and/or Georgia Rules for Hazardous Sites Response, Chapter 391-3-19.

2. *Paint testing*: Either perform paint testing on the painted surfaces to be disturbed or replaced during rehabilitation activities, or presume that all these painted surfaces are coated with lead-based paint. Paint testing must be performed by a GA Certified RRP Renovator or a GA Certified Lead Inspector/Risk Assessor.

    a. Paint testing to determine the presence or absence of lead-based paint on deteriorated paint surfaces or surfaces to be disturbed or replaced must be performed by a certified lead-based paint inspector or risk assessor.

---

[7] Please see: 40 C.F.R. §745.63; Ga. Comp. R. & Regs. R. 391-3-24-.03 (75)

[8] Please see: Ga. Comp. R. & Regs. R. 391-3-24-.03(6)

b. If a lead-based paint hazard is identified a lead-based paint inspection must be performed in accordance with methods and standards established either by a State or Tribal program authorized by the EPA under 40 CFR 745.324, or by the EPA at 40 CFR 745.227b and h.

c. If a lead inspection is required, it must be performed by a lead-based paint inspector or a risk assessor certified or licensed by EPA or an EPA-authorized state, tribe or Territory.

3. *Lead in Water*: Either assess water or replace plumbing and pipes.

   a. Plumbing to be removed and pipes replaced: Lead testing is not required if all the plumbing is removed and replaced with pipes in accordance with Section 1417e of the Safe Drinking Water Act (SDWA). The SDWA states that "lead free" means those fittings and fixtures that are in compliance with the standard established under Section 1417e with regard to plumbing fittings and fixtures intended to dispense water for human consumption. Further, Section 1417a1 of the SDWA requires that only "lead free" pipe, solder or flux may be used in the installation or repair of (1) Public Water Systems, or (2) any plumbing in a residential or non-residential facility providing water for human consumption.

   b. Water provision: Concentrations of lead in lead in water tests or local utility compliance documentation must not exceed 0.015 mg/L (15 ppb)

      i. Public: Must review and provide the most current information documenting the local utility's compliance or non-compliance with current EPA standards for lead in drinking water.

      ii. Private: Test water, using a State Certified Laboratory or local health department, See http://water. epa.gov/drink/info/well/ for information.

   c. A visual assessment of the plumbing system(s) in any buildings to determine the risk of lead in drinking water due to lead solder in pipes.

4. *Risk of lead found*:

   a. If review and/or visual assessment suggests a risk of lead in drinking water at the property, testing must be performed at the tap in accordance with the EPA publication *Lead in Drinking Water in Schools and Non-Residential Buildings*.[9]

   b. For buildings built prior to 1987 or where site reconnaissance shows signs of lead plumbing/soldering, a minimum of 10 percent of the drinking water outlets (kitchen sinks, bathroom sinks, and drinking fountains, if applicable) or one from each floor of the building (whichever is greater), must be tested, regardless of the results of the review or visual assessment.

---

[9] U.S. Environmental Protection Agency, Lead in drinking water in schools and non-residential buildings, by U.S. E.P.A, EPA/812-B-94-002, Washington, D.C.: U.S. Environmental Protection Agency, 1994. http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=20013NC6.txt

5. *Work Practices*: Implement safe work practices during rehabilitation work in accordance with 24 C.F.R. Part 35.1350 and repair any paint that is disturbed and is known or presumed to be lead-based paint.

B. Minimum Documents for ESA

1. A plain-language summary of the results suitable for posting or distribution to occupants in compliance with 24 C.F.R. Part 35.125 written by the lead-based paint inspectors, risk assessors, and sampling technicians.
2. Risk Assessment Report
3. Lead in soil sampling if buildings are to be demolished or where structures formerly present on the subject property were already demolished.
4. Discussion on visual assessment of plumbing system in each building and results of lead in water testing or local utility compliance or noncompliance if pipes and plumbing will not be replaced.

C. Funding Conditions

1. *Abatement*: Abate all lead-based paint in accordance with all applicable federal, state, and local laws and regulations, including, but not limited to 24 C.F.R. Part 35.1325 and Georgia Lead Based Paint Hazard Management, Rule 391-3-24. Lead-based paint subject to acceptable interim controls, on exterior surfaces that are not disturbed by rehabilitation, and on paint-lead hazards that have an area smaller than the de minimis limits of 24 C.F.R. 35.1350d do not have to be abated. If abatement of a paint-lead hazard is required, it is necessary to abate only the surface area with hazardous conditions. Abatement must be performed by a properly licensed contractor.
    a. Lead-impacted soil found must be excavated from the project site. Soil sampling must be conducted in the excavated areas to confirm soil impacted with lead above the applicable standards has been removed. The excavated soils must be containerized, transported, and disposed of properly in accordance with all federal, state, and local laws, rules, and regulations.
    b. An Operations and Maintenance Plan (“O&M Plan”) is required for any lead- based paint remaining in place and must conform to the O&M Guidance Plan in the Operations Section of this Manual and must be submitted and approved by DCA upon the completion of remedial actions and prior to lease-up, along with a lead paint clearance inspection prior to re-occupancy.
    c. If lead above the drinking water standard (mcl) is detected in the drinking water, remediation is required in accordance with all applicable federal, state and local laws and regulations.
2. *Clearance examination*: Final inspection and certification after abatement must be performed by a person certified to perform risk assessments or lead-based paint inspections. Clearance examiners must be as independent as possible from those performing hazard control, rehabilitation, maintenance, and cleanup work to maintain integrity and minimize conflicts of interest. Clearance dust sampling must be completed more than one hour after completion of final cleanup to permit

airborne leaded-dust to settle. A clearance report must be submitted by the applicant to DCA upon the completion of renovation(s) and prior to occupancy.

Refer to 40 C.F.R. 745.227e, 24 C.F.R. 35.1340c-f, and HUD Guidelines for the Evaluation and Control for Lead-Based Paint Hazards in Housing[10], whichever is more stringent, for further guidance of clearance standards and examinations.

3. *Notice*: Occupants must be notified and protected and worksites prepared according to 24 C.F.R. Part 35.1345, 24 C.F.R. Part 35.125, 40 C.F.R. 745f, and Georgia Chapter 391-3-24 including, but not limited to:
    a. Provision of notice to occupants of evaluation, presumption that lead or a lead hazard is present, and/or hazard reduction activities within 15 days of each activity in accordance with 24 C.F.R. 35.125
    b. Provision of a Lead Hazard Information Pamphlet in accordance with 24 C.F.R. 35.130
    c. Maintaining on site a copy of the project notification, notice to proceed, and all revisions; an occupant protection plan; a copy of the applicable lead-based paint abatement design, risk assessment and inspection reports; and certifications for all persons performing lead-based paint activities
    d. Restricting occupant access to the worksite and temporary occupant relocation during hazard reduction activities
    e. Practices that minimize the spread of leaded dust, paint chips, soil and debris and posting warning signs at each entry to a room where hazard reduction activities are conducted
    f. Lead-based paint disclosure upon leasing or lease renewal
    g. Occupants of lead affected units be provided a summary of the results of dust clearance sampling performed, if applicable, within 15 days of receiving results
    h. Implementing a notification program to notify tenants through distribution of the EPA pamphlet, “Lead in Your Drinking Water,” of the potential for elevated levels of lead after periods of non-use.
5. *Waste-disposal*: Lead-based paint waste from residential projects may be disposed of as household waste. Architectural building components, such as doors, window frames, banisters, flooring, porch post and other painted woodwork may be disposed of at a permitted municipal solid waste landfill or in a permitted construction and demolition debris landfill. Waste that contains paint chips, dust, soil and/or sludge generated from the abatement, rehabilitation or remodeling project must be disposed of at municipal solid waste landfill with a leachate liner.

[10] U.S. Department of Housing and Urban Development. Office of Healthy Homes and Lead Hazard Control. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing Second Edition. 2012. https://www.hud.gov/sites/documents/SECOND_EDITION_2012.PDF

9. Water Leaks/Mold/Fungi/Microbial Growth

A. Minimum Documents for ESA

The EP must identify during the site reconnaissance any visible mold, fungi, microbial growth, or water leaks in or on any on-site structures or improvements that will not be demolished or replaced.

1. Which units to assess:
    a. For multi-family housing structures, the EP must evaluate fungi and microbial growth, water leaks, or mold, in every unit in which the EP is conducting a lead-based paint, radon, or asbestos assessment.
    b. If no lead-based paint, radon, or asbestos assessment is being performed for the multi-family housing structure, the EP must evaluate water leaks and mold in at least 10% of the units on the property or, at a minimum examine at least five (5) units, including at least one unit in each of the buildings on the property.
2. The EP must visually examine the following areas in the selected units during the site reconnaissance and must discuss all findings in the Phase I report: ventilation systems; and (ii) areas behind walls, under floors, and above ceilings.
3. The EP must state whether areas behind walls, under floors, and above ceilings were readily accessible, and, if not, provide an explanation. What will be considered "readily accessible" will vary with the particular situation of the subject property and will depend on the professional judgment of the EP.
4. The EP must complete any other investigation or testing required by EPA and HUD mold guidelines. Upon reviewing, DCA may require further investigation and/or testing at its sole discretion. Include applicable documentation and test results in Appendix N if applicable.

B. Funding Conditions

If water leaks, mold, fungi or microbial growth exist on the properties, take the following actions:

1. Include recommendations for the elimination, removal, or remediation of these conditions and/or materials, according to all EPA and HUD guidelines, as applicable.

    - These recommendations must be included in Appendix N. Mold, Moisture Action & Prevention Plan that must be implemented.

2. Remediation of the identified/ suspect mold must be conducted by properly trained building maintenance staff if the suspect area is less than 3 square feet. If the area is larger than 3 square feet, use a professional mitigation service.
3. The source of moisture must be addressed in order to prevent future mold problems. The source of moisture must be repaired (i.e., plumbing leaks, ceiling leaks, humidity issues, etc.). Testing for moisture (i.e., using a moisture meter) and a visual inspection for mold must be conducted upon completion of construction to be submitted at the Final Allocation Application.

10. Vapor Intrusion

A. Minimum Documents for ESA

A Tier 1 "non-invasive" screening, pursuant to Section 8 of the ASTM E2600-22 "Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions," is required to determine if there is potential for vapors to occur in the subsurface below existing and/or proposed on-site structures.

B. Funding Conditions

1. If the Tier 1 screening cannot rule out a Vapor Encroachment Condition (VEC), then perform a Tier 2 screening in the Phase II ESA. If the Tier 2 screening indicates that a VEC exists; then further evaluation of the vapor intrusion pathway using guidance from EPD and/or EPA must be performed.[11]
    a. Particular assessment tools may include the EPA Vapor Intrusion Screening Level Calculator and media (i.e., groundwater, exterior soil gas, sub-slab soil gas, and indoor air) sampling. These assessment tools must be used in accordance with guidance from EPD and/or EPA.
2. The results of the vapor intrusion (VI) evaluation must be included in the Phase II ESA and, if necessary, must include proposed VI mitigation measures (including a schedule) to prevent vapors from migrating into any structure or building.
3. VI mitigation measures may include a sub-slab depressurization system and soil and/or groundwater remediation, if appropriate. Where no current structures exist, vapor mitigation measures must be evaluated and implemented in construction of future structures. Upon completion of the VI mitigation measures, a report detailing the evaluation and any vapor mitigation measures employed must be submitted to DCA within thirty (30) days of completion.
4. Any VI mitigation measures must comply with applicable Georgia and EPA rules and meet all applicable appropriate industry and engineering standards and guidelines (including but not limited to ASTM Standards) and satisfy all prudent design, construction, installation and operating practices followed by experts in the industry for residential development. VI mitigation guidance from EPD and/or EPA must also be considered, including guidance for VI mitigation system design, testing, and verification.

11. Polychlorinated Biphenyls ("PCBs")

Polychlorinated biphenyls (PCBs) are contaminants often encountered at sites. If the property was built or renovated prior to 1978, PCBs may be present at the site. PCBs can be present in a variety of media:

- Electrical equipment, including transformers, capacitors, and fluorescent light ballasts

[11] Guidance from EPD is available at: https://epd.georgia.gov/vapor-intrusion-technical-guidance

Guidance from the EPA is available at: http://www.epa.gov/vaporintrusion

- Building products, including caulking, paint, tile mastic, and roofing material
- Industrial products, including hydraulic fluids and cutting oils
- Contaminated media, including soil, groundwater, and building surfaces impacted by spills, use, and improper handling or disposal of PCBs

PCB Remediation Waste includes waste containing PCBs as a result of a spill, release, or other unauthorized disposal. Materials with "as-found" concentrations equal to or greater than 1 ppm must be handled in accordance with the Toxic Substances Control Act. "As-found" is defined as the concentration of PCBs at the site at the time the waste is discovered, before it was excavated or potentially mixed with clean soil.

Bulk Product Waste includes waste derived from manufactured products containing non-liquid PCBs, regardless of concentration. If the concentration of the material is greater than or equal to 50 ppm, its use is not authorized, and it must be disposed of in accordance with 40 CFR 761.62.

PCB Articles or Article Containers include transformers, capacitors, electric motors, etc. that contain PCBs.

A. Minimum Documents for ESA

Documentation must be included in the Phase I report indicating the condition of any transformers or other electrical equipment observed on or adjacent to the property that could contain PCBs. The EP must determine ownership of and responsibility for the electrical equipment and include in the Phase I Report a discussion of such ownership/responsibility and a statement as to whether or not the equipment contains PCBs.

If PCBs or a risk of PCBs are found, refer to the regional Environmental Protection Agency PCB Coordinator[12] for specific requirements that need to be followed in remediating and disposing of PCB wastes.

12. Historic Preservation

The National Historic Preservation Act (NHPA) requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties. Historic properties are those archaeological and above-ground resources that are fifty (50) years old and older. Section 106 (S106) of the NHPA outlines the process by which federal agencies consider historic properties within their project planning. The federal agency is the ultimate decision maker in the S106 process.

Applicants applying for Federal funding (HOME, NHTF, CDBG, and CDBG-DR) are required to complete S106. Alternately, if no federal funds are involved, but the Applicant is applying for low income housing tax credits (LIHTC) through DCA, they must complete the Georgia Environmental Policy Act of 1991 (GEPA) review process. GEPA requires a state agency to determine if their actions constitute a significant impact on the quality of the environment and outlines a process for filing and public noticing of an agency's decision regarding projects they carry out, approve, or fund. DCA is the ultimate decision maker in the GEPA process.

[12] See https://www.epa.gov/pcbs/epa-region-4-polychlorinated-biphenyls-pcbs

HPD is the Georgia State Historic Preservation Office (SHPO) and, as such, HPD is a required consulting party to a federal or state agency in both the S106 and GEPA review process. As part of the S106 and GEPA processes, DCA requires that a Preservation Professional, meeting the Secretary of the Interior's *Professional Qualification Standards*[13], must provide documentation regarding both the eligibility of historic properties (archaeological and historic) located within the proposed project's area of potential effect (APE). The APE is the geographic area or areas within which a project may cause changes (or effects). These changes can be direct (physical) or indirect (visual, noise, vibrations) effects. The APE varies with the project type and must factor in topography, vegetation, existing development, physical siting of the project, and existing development. Additionally, documentation must be provided regarding the effect that the proposed project will have on historic properties that are identified in the APE and are listed in or eligible for listing in the National Register of Historic Places.

Section 106 and GEPA Reviews

Projects undergoing review under S106 and GEPA are submitted to DCA's Historic Preservation Division (HPD) for review and comment. Details related to the S106 and GEPA review processes and documentation required for the historic preservation review can be found on the HPD Review and Compliance Website[14].

HPD Submission and Review Timeline

1. Applications selected under the 9% or 4% tax credit competitive process must submit a completed Environmental Review (ER) Form and supporting documentation to HPD within 15 days of the competitive award list being announced.

   S106 review: HPD has a federally mandated 30-day review period and will contact the applicant if any additional information is needed. The 30-day review period will re-start if HPD must ask for additional information or to review any conditions applied to a project.

   GEPA review: The same 30-day review period applies to all GEPA reviews.

   HPD response letters are valid for up to 3 years. If there are substantive changes to the project or if a federal agency becomes involved through a permitting process, loan guarantee, grant, or other mechanisms, further consultation with HPD will be required.

HPD Submission process:

All documentation must be submitted for review through HPD's online project submittal system.

1. HPD's response to a S106 and GEPA project submission will include both a NRHP-eligibility and assessment of effects determination or concurrence.

   a. S106 review: HPD utilizes the Secretary of the Interior's *Standards for the Treatment of Historic Properties*[17] to determine/concur with the effects of a proposed project on historic properties.

   b. GEPA review: HPD will use the *Georgia Standards for the Treatment of Historic Properties*[18], to determine/concur with the effects.

Required S106 and GEPA project review documentation includes:

1. A completed Environmental Review Form (correctly noting the type of review: S106 or GEPA)

2. Supporting documentation listed on the last page of the ER form (maps, photos, scope of work, project plans including site, landscape, elevation drawings, etc.)

3. HPD may request a Limited Cultural Resource Survey completed by a Preservation Professional to assess the effects on historic properties and archaeological sites. A list of Preservation Professionals can be found on the HPD's website in the Historic Preservation Consultant's Directory.

4. The documentation at a minimum should include evidence of a thorough literature review, the elements of which are detailed in #5 below, to identify previously identified historic properties or archaeological sites within the Area of Potential Effect (APE). Additionally, if no historic resources survey of the project area has occurred in the last five years, it will be necessary to conduct a field-level cultural survey of the APE to determine if any, as yet unrecorded historic resources or archaeological sites are present.

Note that a Phase I survey, in addition to a literature review, may be warranted, recommended, or required based on the particulars of a given project.

5. Evidence of a thorough literature review to identify and research above-ground historic resources within the APE consisting of, at a minimum, the following:

    a. the National Register of Historic Places (NRHP) online database

    b. Georgia's Natural, Archaeological, and Historic Resources GIS (GNAHRGIS) database

    c. local, applicable tax assessor websites

    d. a Georgia Archaeological Site File (GASF) search must be conducted at 1125 Whitehall Road, Athens, Georgia 30602. This repository is the current database of all identified sites in Georgia, along with manuscripts and research reports. Only a qualified archaeologist or GASF staff may undertake this research. To contact GASF, please call (706) 542-8737[16] .

A. Minimum Documentation for Phase I ESA

1. A completed Environmental Review Form (correctly noting the type of review: S106 or GEPA)
2. Supporting documentation listed on the last page of the ER form (maps, photos, scope of work, project plans including site, landscape, elevation drawings, etc.)

B. Funding Conditions

Clearance from HPD must be received by DCA prior to construction commencement. Requirements outlined in the response letter from the Historic Preservation Division (HPD) must be followed to ensure the development will have no adverse effect on historic properties within the Area of Potential Effect. Each project has one of four types of potential effects on historic properties:

<table>
<tr><th colspan="2">SECTION 106</th><th colspan="2">GEPA</th></tr>
<tr><th>Letter Response</th><th>What It Means</th><th>Letter Response</th><th>What It Means</th></tr>
<tr><td>No Historic Properties Affected</td><td rowspan="2">S106 consultation for that project is complete unless the proposed scope of work changes.</td><td>No Impact</td><td rowspan="2">the GEPA consultation for that project is complete unless a federal agency becomes involved</td></tr>
<tr><td>No Adverse Effect</td><td>No Significant Impact</td></tr>
<tr><td>No Adverse Effect provided certain conditions are met</td><td rowspan="2">the review process will continue, and instructions related to next steps will be provided to the applicant in HPD's response letter.</td><td>Potential Significant Impact with recommendations DCA will require to avoid the significant impact</td><td rowspan="2">the review process will continue and the letter will also contain all details related to any proposed next steps that may be applicable to a particular project.</td></tr>
<tr><td>Adverse Effect</td><td>Significant Impact</td></tr>
</table>

Note that an “Adverse Effect” (S106) or “Significant Impact” (GEPA) determination does not stop a project. Both signify that there are more steps that require additional time and money. Therefore, Applicant must appropriately schedule the S106 or GEPA review process within the overall project schedule.

Memorandum of Agreement (MOA) Steps

MOAs have to be drafted and mitigation done for projects reviewed under S106 of the NHPA that will have an adverse effect on historic resources. For GEPA reviews, MOA isn’t required, but an agreed-upon mitigation for projects with a significant impact is required.

1. Notify the ACHP who has 15 days to decide if participate or not
2. MOA must be drafted and reviewed/edited by all parties involved
3. Finalized MOA must be signed by the Responsible Entity, the Developer/owner, HPD and ACHP if participating.
4. If resolution is not possible until further information is gained. Use a Programmatic Agreement (PA) that allows for future review as additional information becomes available. PA may be used to resolve adverse effects in a specific undertaking when project details are still being developed, identification of historic properties is phased or when studies cannot be completed prior to approval of the undertaking due to site conditions or lack of access.
5. All MOAs and project PAs include an Unanticipated Discoveries clause that stipulates that if unforeseen resources are discovered, or unanticipated effects are encountered in the course of project implementation, the parties must reenter consultation and carry out the steps of

the Section 106 process for the newly discovered resources or effects. It usually outlines an expedited timeframe for review.

6. Signed MOA or project PA must be filed with the ACHP.

Tribal Historic Preservation Review (only applicable for Section 106)

DCA will consult with the tribes for all new construction. Details related to the tribal consultation process can be found on the HUD Exchange website[13]. These details include a checklist used to determine whether tribal consultation is required. DCA requires completing this checklist for all S106-reviewed projects. If it is determined, through completion of the checklist, that the proposed project will require tribal consultation and/or affect tribal historic properties, DCA will consult with the appropriate Tribal Historic Preservation Officer (THPO). DCA will also forward gathered project documentation to the appropriate Tribal Council/THPO for a thirty (30) day review to determine the project's effect on cultural resources, based on criteria found in the Council's regulations. Please note that consultants, public housing agencies (PHA), lenders, and/or non-profit grantees may not initiate tribal consultation. The letter provided to the THPO by DCA evidencing DCA's tribal notification/consultation will be provided to the applicant.

13. Other Hazards and Considerations

A. Minimum Documents for ESA

The EP must also consider and discuss in the Phase I Report other hazards or considerations, including, but not limited to, the following:

1. The presence of urea formaldehyde in existing structures
2. Storage Tanks
3. Hazardous Substance and Petroleum Products
4. Containers/Drums/Unidentified Substance Containers
5. Heating and Cooling
6. Solid Waste
7. Sewage Disposal/Septic Tanks
8. Hydraulic Equipment
9. Contracted Maintenance Services
10. Water Supply and Wells
11. Drains and Sumps
12. Pits, Ponds, Lagoons, and Surface Waters
13. Stressed Vegetation

[13] See https://www.hudexchange.info/programs/environmental-review/historic-preservation/tribal-consultation/

14. Stained Soil or Pavement
15. Odors
16. Utilities/Roadway Easements
17. Chemical Use

B. Funding Conditions

If other hazards or considerations are identified, the EP must discuss and provide recommendations for the appropriate handling of the hazards, in accordance with all applicable federal, state, and local laws, rules, and regulations.

IV. Phase II: General & Testing Requirements

1. General Requirements

The purpose of a Phase II Environmental Site Assessment (Phase II) and any applicable Non-ASTM Testing is to determine the presence or absence of RECs, suspected environmental concern(s), the extent of non-scope issue(s), or to quantify the extent of an actual or suspected release or potential release identified in the Phase I Report. Testing may require additional information gathering and/or physical sampling, if appropriate. If clear and convincing evidence exists that a property is *not* impacted by a REC, suspected environmental concern, or non-scope issue, then DCA at its sole discretion may waive the requirement for a Phase II for that issue.

Phase II report, if applicable, must be submitted with the DCA Application.

A. Scope of Work must:

1. List the recognized environmental conditions, suspected environmental concerns, and or non-scope issues.
2. Specify the locations and depth of any proposed monitoring wells, soil borings, and/or samples and include a Site Map showing the same.
3. Specify the number of samples and depth of samples.
4. Specify the test methods and analytical methodology, which will be used.
5. Include a cost assessment for all testing and reporting activities.

B. Summary and Conclusions

1. Summarize all applicable state and federal notification and/or cleanup standards.
2. Summarize in a table and/or figure format all soil and/or groundwater analytical data.
3. Include an estimate of costs for any necessary environmental remediation. This cost estimate must be included in the development cost estimates and contain both the *total* estimated costs and the estimated costs for *each* separate activity.
4. Thoroughly explain all investigations, analytical data, test results, findings, and conclusions in the Phase II Report. This includes the EP's interpretations and clear recommendations.

2. Testing and Analysis Requirements (as applicable)

A. Documentation

1. The Phase II and Non-ASTM testing must include thorough documentation of the methods utilized to conduct sampling and research.
2. Appropriate documentation (e.g., records review data or research, photographs, interview notes, any analytical results, etc.) that supports the findings and opinions must be included in the appendices to the Report.

B. Best practices and standards

Good management practices and regulatory standards must be followed at all times, especially where physical sampling and laboratory analysis are involved.

C. Non-ASTM Requirements:

1. *Volatiles in Soil Assessment*: The EP must utilize a photo-ionization detector ("PID"), or other appropriate field organic screening instrument, to analyze the likely presence of volatile organic compounds and must discuss the results of the PID analysis.
2. *Groundwater testing*:
    a. Groundwater sampling activities must comply with current U.S. Environmental Protection Agency and Georgia Environmental Protection Division standards and policies.
    b. For any groundwater testing for metals, turbidity measurements must be performed in the field. If turbidity is greater than 5 Nephelometric Turbidity Units ("NTUs"), both a filtered and a non-filtered analysis must be completed.
3. The EP must require any laboratory submitting analytical results relating to a project to provide the following stipulation in the report: *I stipulate that [name of laboratory] is accredited by [name of accrediting agency] and has been assigned [accreditation number]. The accreditation relates to [media - e.g., air, drinking water, hazardous waste]. The effective date of accreditation is [date] and expires on [date]. I further certify that the sample(s) for which this data is being submitted has been handled pursuant to the appropriate chain of custody*.

Signed:

Date:

V. DCA Evaluation and Conclusions

DCA conducts an independent review of the environmental materials submitted with an application. Any environmental concerns or issues identified (e.g., soil or groundwater contamination) in the Phase I or Phase II review must be addressed in accordance with these Standards. In addition, DCA will routinely conduct an independent review of the publicly available information regarding the environmental condition of a property. DCA may require additional assessment of a property, including but not limited to, file review and/or Phase II sampling.

Environmental issues with the potential to impact the subject property which are not satisfactorily identified by the EP and are later identified by DCA can be grounds for failing the threshold review. Issues that cannot be resolved during the Application period, or which present or may present a risk to the health or safety of persons or to the environment, and/or that present an unacceptable degree of lender and/or owner liability will be grounds for site rejection. Such decisions will be made at DCA's sole discretion. Increasingly, applicable law requires environmental remediation and repair work to be performed and documented according to strict regulatory standards. If proper documentation does not exist to substantiate remedial work performed prior to the commencement of the Phase I, then limited confirmatory testing or a Phase II may be required.

Upon review of the completed Phase I and/or Phase II reports, DCA, at its sole discretion, may impose additional assessments and/or environmental actions including, but not limited to,

A. performing remediation and confirmatory testing;

B. obtaining a brownfield's "limitation of liability";

C. obtaining a "no listing" letter under HSRA;

D. developing a Noise Attenuation Plan;

E. developing an Operations and Maintenance Plan ("O&M Plan") when HUD and/or EPA regulations allow the environmental hazard to remain at the site; or

F. perform vapor intrusion mitigation.

Properties with recognized environmental conditions, potential environmental concerns, or non-scope issues that are not satisfactorily addressed by Phase II testing will not pass the threshold review or be approved for funding for tax credits. No project expenditures may be incurred or any HOME funds drawn down for any activity (other than exempt activities) prior to receipt of an environmental clearance letter releasing the conditions/funds. This may be obtained by completing an environmental review of each project as described in Part III of the Environmental Manual.

1. Operations and Maintenance Plans

Properties that have conditions that must be maintained or confirmed throughout the compliance period, affordability period, or the life of the loan (whichever is greater) must have an O&M plan. Examples include the presence of ACM, lead-based paint, or underground storage tanks. See the *DCA Operations and Maintenance Manual* for requirements.

<u>Summary of DCA O&M Plan Requirements</u>

1. A written O&M Plan must be submitted to DCA by the Applicant *immediately* upon the completion of any remedial actions required.

2. The Applicant must send written certification to DCA on an annual basis that certifies the property is being maintained in accordance with any applicable O & M Plans, environmental laws and regulations

3. An inspection and confirmation must be made immediately following the occurrence of events that might reasonably be expected to impact the environmental condition of the property or the efficacy of prescribed remedial or maintenance actions.
4. If the Applicant is unable to confirm that the property is being maintained in accordance with any applicable O & M Plans, environmental laws, and regulations, the Applicant must take any and all remedial and maintenance actions necessary to correct these conditions and notify DCA.
5. The Applicant must report to DCA and the appropriate local, state, or federal authority all known violations of applicable environmental statutes and state laws on the property and correct such violations.