

Addendum B

Alabama Housing Finance Authority's Environmental Policy Requirements

WITHOUT LIMITING ANY OTHER PROVISION OF THE HOUSING CREDIT QUALIFIED ALLOCATION PLAN (QAP); HOME ACTION PLAN; OR MULTIFAMILY HOUSING REVENUE BOND POLICY, ALL DETERMINATIONS, CALCULATIONS, JUDGMENTS, ASSESSMENTS OR OTHER DECISIONS MADE BY AHFA UNDER THIS ADDENDUM, INCLUDING WITHOUT LIMITATION RELATED APPLICATION INSTRUCTIONS, AHFA FORMS AND THE QAP, HOME ACTION PLAN, OR MULTIFAMILY HOUSING REVENUE BOND POLICY, SHALL BE MADE IN AHFA'S SOLE AND ABSOLUTE DISCRETION.

Alabama Housing Finance Authority ("AHFA") requires that a project-specific Phase I Environmental Site Assessment ("ESA") Report be submitted for each application. The Phase I ESA Report must be prepared by a qualified third-party Environmental Professional ("EP") as defined by 40 C.F.R. § 312.10(b) and adhere to the guidelines, requirements and format described herein.

For All Applications made to AHFA:

A Phase I ESA must be completed by an EP and include all of the components described in Addendum B1, including without limitation, many components that are in addition to what is required by the current American Society for Testing and Materials ("ASTM") Standard for Phase I ESAs approved for use by the U.S. Environmental Protection Agency ("USEPA"). Failure to fully comply with and include in the Phase I ESA all of the AHFA-required elements will result in delays in processing or termination of the Application Package. AHFA requires that the applicant engage the EP in accordance with the terms set forth in the engagement letter in Addendum B-2, a copy of which must be included as Appendix I of the Phase I ESA. Because many of the required elements of the Phase I ESA take time to complete, AHFA strongly recommends that applicants engage an EP and begin preparing the Phase I ESA as early as possible in the process of preparing an application.

If a Phase I ESA for a project either (a) identifies a Recognized Environmental Condition (which includes, but is not limited to, controlled recognized environmental conditions and historical recognized environmental conditions (hereinafter collectively referred to as ("RECs")), and/or (b) recommends additional testing, investigation or a Phase II ESA Report be conducted, any and all Phase II ESA Reports and Addenda or additional testing reports that are prepared by the EP to address the RECs identified must be included at the time the Phase I ESA is submitted to AHFA. All Phase II ESA Reports must fully address all RECs identified in the Phase I ESA; must be completed in accordance with the most current versions of ASTM E1903, Alabama Environmental Investigation and Remediation Guidance ("AEIRG"), and the Alabama Risk Based Corrective Action Guidance Manual ("ARBCA"); and must sufficiently demonstrate that all environmental conditions associated with the project are appropriate for **unrestricted** residential use as defined by the Alabama Department of Environmental Management ("ADEM") under Alabama Administrative Code regulation 335-15-1.02(ddd). The requirement that all projects be appropriate for unrestricted residential use is subject to the following sole exceptions: (a) AHFA will permit the use of an institutional control prohibiting the use of groundwater for potable or irrigation purposes in instances where the water is supplied by a utility; and (b) for Housing Credit projects only, AHFA will permit the use of a permanent passive vapor mitigation system as part of a Voluntary Cleanup Plan approved prior to submission of the application, in writing by ADEM under Alabama Administrative Code regulation 335-15-4-.04, where the source(s) of potential vapor intrusion is (are) located entirely off-site and the ADEM approval of the Voluntary Cleanup Plan states that no future compliance monitoring will be required. If a Phase I ESA identifies an environmental condition that is ruled out as a REC, the Phase I ESA must provide sufficient explanation and all supporting data to demonstrate that the environmental condition is not a REC. AHFA reserves the right to terminate any application if it determines that the EP failed to identify environmental conditions as RECs and addressed, where appropriate, in a Phase II ESA. AHFA further reserves the right to terminate any application if it determines that the EP failed to sufficiently demonstrate that a project is

appropriate for **unrestricted** residential use in compliance with the most current versions of ASTM E1903, AEIRG, or ARBCA. AHFA will not consider any sites for funding that are listed on or proposed to the National Priority List (“NPL”) or State equivalent State Hazardous Waste Site (“SHWS”) (Superfund sites).

Two versions of all reports must be submitted as follows: a complete bound (3 ring binder) color hard copy (with each appendix separately tabbed) and an **exact, complete, color copy** in digital form, the text of which shall be in a searchable format. At the time of application submittal, the applicant must pay a non-refundable application fee as specified in the QAP, HOME Action Plan, and/or Multifamily Housing Revenue Bond Policy. Pursuant to those plans/policy, AHFA may select and engage third-parties (e.g., an EP, legal counsel, and/or designated consultant) to review and comment on the Phase I ESA or the Phase II ESA Report submitted by the applicant. In addition to the non-refundable application fee(s), AHFA may require the applicant to provide additional funds in amounts sufficient to cover all third-party costs that AHFA reasonably anticipates to pay or reimburse AHFA for any third-party costs incurred during the application review and analysis process. AHFA will submit an invoice to the applicant which shall be paid by the applicant within 7 business days of the invoice date. Any unused portion of any additional payments made by applicant related to third-party review, shall be returned to applicant without interest once all third-party invoices have been submitted and a refund amount is determined. During the course of the AHFA environmental review process, AHFA will notify the applicant if the Phase I ESA Report must be updated in order to satisfy the All Appropriate Inquiry (“AAI”) 40 CFR 312 and ASTM Section 4.6 requirements (requiring certain components of the Phase I ESA to be conducted or updated within 180 days). To the extent that an updated Phase I ESA Report is required, the applicant will be solely responsible for these costs, fees, and related expenses. During the AHFA review process, any report(s) submitted for which AHFA (or AHFA’s designated consultant) determines materially fails to comply with AHFA Environmental Policy Requirements, current ASTM standards, or applicable environmental regulatory requirements will result in the termination of the related application.

For all applicants applying for HOME, HOME American Rescue Plan (“HOME ARP”), or Housing Trust Funds (“HTF”):

Pursuant to 24 C.F.R. § 50.3(i)(1), “[i]t is HUD policy that all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.”

Application Completeness Requirements:

Upon submittal of the Phase I ESA Report, AHFA will conduct a completeness review to determine whether or not the report is complete and complies with the Environmental Policy Requirements.

If during its completeness review AHFA determines that an application in a Competitive Application Cycle for HOME Funds and/or Housing Credits is missing any materials required by the Environmental Policy Requirements or that the materials included in the report fail to materially adhere to AHFA’s defined standards, the application will terminate and will not be considered for funding during that scoring cycle. If during the completeness review AHFA determines that all documentation required by the Environmental Policy Requirements has been provided and that the application materially adheres to AHFA’s defined standards but that additional information or clarification is required in order for AHFA to complete its full evaluation of the Environmental Policy Requirements, AHFA will contact the applicant via email. When contacted, the applicant must submit requested items within 10 business days or the application will terminate and will not be considered for funding during that scoring cycle.

If in response to a request from AHFA for additional information or clarification, the applicant provides materially different or new information or documentation that was required by this Environmental Policy to have been submitted at the time of application submission, AHFA reserves the right to terminate the application. For clarity, the following are considered Material Environmental Items that must be submitted at the time of application and will not be accepted after the application submission deadline: (1) all environmental testing data collected for a proposed project, including without limitation, testing of soil, groundwater,

sediment, soil gas, ambient air, asbestos, and lead-based paint; (2) any required wetland delineation studies or assessment reports; (3) any required request for a Jurisdictional Determination from the U.S. Army Corps of Engineers; and (4) all remediation or mitigation plans to address any environmental issues identified (or that should have been identified) in the Phase I ESA and Phase II ESA reports. Furthermore, if an applicant wishes to provide information from any local, state, or federal agency pursuant to any item submitted to AHFA by the applicant pursuant to these Environmental Policy Requirements, all such information must be provided at the time of application and be in the form of a formal written communication from the agency to the applicant or its counsel or EP. If the agency information references or expresses approval of any methods, processes or other information, all information that is referenced or purportedly approved, including exhibits or addenda and related correspondence, must be provided at the time of application. After the date of initial application, AHFA will not consider or review any communications to the applicant related to these Environmental Policy Requirements from any local, state, or federal agency regardless of when or in what form it was received.

If during its completeness review AHFA determines that an application for tax-exempt volume cap (whether or not the applicant requests Housing Credits awarded without a Competitive Application Cycle) is missing any materials required by the Environmental Policy Requirements or that the materials included in the application fail to materially adhere to AHFA's defined standards, the applicant will have up to 30 days after notification from AHFA to resolve any outstanding issues. A Commitment Agreement for Multifamily Housing Revenue Bonds will not be issued until all defined environmental requirements are met to AHFA's complete satisfaction.

All environmental issues identified (or that AHFA determines should have been identified) in the Phase I ESA and Phase II ESA reports must have been fully abated or mitigated (or include with the application a written remediation plan approved in writing by ADEM) in a manner that is compatible with **unrestricted** residential use other than the sole exceptions described on page B-1 of this Addendum.

Excepting only plans for radon resistant new construction, all remediation or mitigation plans to resolve **any** environmental issues identified in a Phase I ESA or Phase II ESA must be submitted to AHFA in writing upon submittal of the application and include: (a) details regarding the specific remediation plan; (b) all applicable final regulatory authority approvals required for the implementation of the remediation plan; (c) a detailed line item summary of estimated costs with supporting quotes; (d) information regarding the expected source of funding for conducting the remediation activities; (e) a projected schedule for approved remediation activities; and (f) a copy of any proposed environmental covenants documenting any planned institutional or engineering controls.. To the extent there are conflicting or inconsistent guidelines or methods between regulatory agencies concerning the environmental matter at issue, the EP shall follow the most stringent standard and certify that this standard has been satisfied.

All information provided by the applicant must be satisfactory to AHFA and may be subject to the fees as outlined in the applicable QAP, HOME Action Plan, Multifamily Housing Revenue Bond Policy and/or at www.AHFA.com.

After the Reservation, HOME Written Agreement, and/or Declaration of Official Intent:

If any unforeseen environmental condition(s) is discovered with respect to a project that has already received an award of HOME Funds, Housing Credits, and/or Multifamily Housing Revenue Bonds, and such environmental condition(s) would have caused the project to fail to meet the Environmental Policy Requirements if discovered prior to award, then (a) if AHFA determines that the environmental condition(s) should have been discovered by the applicant or its Responsible Owners during the application process, AHFA will terminate the award and require all HOME Funds or Housing Credits to be returned to AHFA, or (b) if AHFA determines that the environmental condition(s) arose through no fault of the applicant and could not reasonably have been discovered during the application process, AHFA may allow the Ownership Entity for the project to remediate the environmental condition(s) at the Ownership Entity's sole cost and expense, including without limitation the fees and expenses of any EP and/or attorney engaged by AHFA in connection with the project, as necessary in

order for the applicant to comply with the Environmental Policy Requirements and all other conditions specified by AHFA based on the specific nature of circumstances of the project. If AHFA determines under the foregoing standards that an applicant is eligible to take remedial actions with respect to any unforeseen environmental condition(s), the applicant will be permitted to do so only if the applicant provides the following items to AHFA within 30 days, in compliance with the following requirements (the “Remedial Action Requirements”):

1. Estimate of total remediation costs (including itemized quotes from any third party contractors) and schedule for completion of remediation from a qualified environmental professional;
2. Evidence that the project will remain financially feasible and capable of being completed within the time required by the type of funding received; provided, however, that if AHFA permits the Ownership Entity to remediate an unforeseen environmental condition(s) and the time required for such remediation results in the inability of the project to Place-in-Service by the deadline established under Section 42 and AHFA, AHFA may elect to exchange the Housing Credits awarded to the project for a current or future year allocation of Housing Credits, subject to the applicant’s payment of the environmental extension penalty specified at www.AHFA.com; and
3. Evidence that the applicant has sufficient financial resources to complete the remediation and the project by the required deadline. AHFA will require an applicant to provide a deposit in order to ensure that AHFA’s expenses in connection with any remediation will be paid on a timely basis.

For a project that receives an award of HOME Funds, AHFA will notify the applicant if the Phase I ESA Report must be updated in order to satisfy the AAI and ASTM Section 4.6 requirements (requiring certain components of the Phase I ESA to be conducted or updated within 180 days). If an updated Phase I ESA Report is required, the applicant will be solely responsible for all costs, fees and related expenses. If any environmental condition(s) is discovered with respect to the updated Phase I ESA Report that was not present, discovered or disclosed at the time of the initial Phase I ESA Report and such environmental condition(s) causes the project to fail to meet the Environmental Policy Requirements, the applicant must comply with AHFA’s Remedial Action Requirements as specified above.

During the AHFA review process, if AHFA (or AHFA’s designated consultant) determines that the ESA Report(s) fails to comply with AHFA’s requirements, the ASTM standards or applicable environmental regulatory requirements, this determination will result in termination of the award and the return of HOME Funds and/or Housing Credits if not corrected promptly after written notice.

NEPA Environmental Assessment (Projects Selected for HOME, HOME ARP, or HTF Funding):

Each project that receives HOME Funds must undergo an environmental assessment in accordance with the requirements of the National Environmental Policy Act (“NEPA environmental assessment”) in accordance with 24 C.F.R Part 58.¹ The Ownership Entity of a project that receives an award of HOME Funds will be required to provide certain additional studies, reports and documentation necessary for AHFA to complete the NEPA environmental assessment. AHFA will notify the Ownership Entity of the NEPA environmental assessment requirements at the time of award of HOME Funds. For more information about an Ownership Entity’s submission requirements for the NEPA environmental assessment process, please review the AHFA

Environmental Assessment Checklist and Guidance (Projects Selected for HOME Funding) at

¹ Please note that HUD issued a Climate Action Plan in November 2021 (<https://www.hud.gov/sites/dfiles/Main/documents/HUD-Climate-Action-Plan.pdf>). AHFA anticipates that HUD will be issuing new regulations and/or guidance in connection with that plan that will be incorporated in AHFA’s Environmental Assessment Checklist and Guidance.

www.AHFA.com. Although these items are not required to be provided until after an award of HOME Funds, AHFA strongly encourages applicants and their EPs to review the items prior to submitting an application to insure that there are no environmental or other conditions at the project site that would lead to the termination of the award pursuant to 24 C.F.R. Part 58.

“Choice-Limiting Activities” and Other Activities Prohibited:

Applicants for HOME Funding

NEPA requires that no “choice-limiting activities” occur relating to the proposed project or at the project site **from the time the applicant submits a HOME Program application to AHFA until the NEPA environmental assessment process is complete** (see 24 C.F.R. § 58.22). The applicant must take all actions necessary to ensure that no participant in the development process (including the applicant, Ownership Entity, all Development Team Members, contractors, subcontractors, current property owner(s) or any other person) commits non-HUD funds or undertakes an activity that would have an adverse environmental impact or limit the choice of reasonable alternatives relating to the proposed project or project site.

For projects applying for HOME Funds (regardless of whether any other form of funding is received), prohibited “choice-limiting activities” include, but are not limited to, acquiring, purchasing, rehabilitating, demolishing, converting, leasing or repairing all or any portion of the project as well as disturbing the ground or commencing any form of construction at the project site. All such choice-limiting activities are prohibited during the NEPA environmental assessment period that (a) begins with delivery of the application to AHFA and (b) ends with AHFA’s issuance of the Notice to Proceed, which typically occurs at the pre-construction meeting conducted at AHFA’s offices in Montgomery.

If choice-limiting activities occur at a proposed project or project-site seeking HOME Funds during the prohibited period, regardless of whether the applicant consented to the activity or had knowledge of it, the application will terminate and will not be considered for funding. AHFA reserves the right to inspect a project-site at any time after submittal of an application to confirm that no choice-limiting activities are taking place.

Applicants for Housing Credits

AHFA also prohibits certain post-application activities on projects applying for low-income housing tax credits (“Housing Credits”). For projects applying for Housing Credits or a tax-exempt volume cap allocation (but do not receive HOME Funds), prohibited post-application activities include, but are not limited to, acquiring, changes in property ownership, rehabilitating or converting all or any portion of the proposed project or project-site as well as disturbing the ground (other than geotechnical soil borings upon advance notice to AHFA) or commencing any form of construction at the proposed project or project-site. All such post-application activities are prohibited during the review period that (a) begins with delivery of the application to AHFA and (b) ends with a written notification from AHFA that the environmental review process has been completed.

If the aforementioned prohibited activities occur at a proposed project or project-site seeking Housing Credits during the prohibited period, regardless of whether the applicant consented to the activity or had knowledge of it, the application will terminate and will not be considered for funding. AHFA reserves the right to inspect a project-site at any time after submittal of an application to confirm that no prohibited activities are taking place.

Addendum B-1
AHFA Requirements

NOTE: ALL REQUIREMENTS BELOW MUST BE PRESENTED IN THE DESIGNATED SECTIONS AND APPENDICES OF THE PHASE I ESA REPORT.

NOTE: THE LINKS TO GOVERNMENT AGENCY WEBSITES IN ADDENDUM B ARE PROVIDED SOLELY FOR CONVENIENCE. IT IS THE RESPONSIBILITY OF THE APPLICANT OR ITS EP TO VERIFY THAT THE WEBSITE CONTAINS THE CURRENT VERSION OF THE APPLICABLE STANDARDS CITED HEREIN.

UNLESS OTHERWISE SPECIFIED BELOW, EVERY PHASE I ESA REPORT SUBMITTED TO AHFA MUST AT TIME OF APPLICATION:

1. As to content, comply in all respects with the current version of the “ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” approved by the USEPA as of the date the Phase I ESA is completed (the “ASTM Standard”) and fully adhere to AHFA’s Environmental Policy Requirements.
2. Include a complete legal description (e.g., metes and bounds) of the entire project-site and the exact project-site acreage. A tax map identifying the parcel that is the subject of the application must also be included in Appendix A of the Phase I ESA. If applicable, the Phase I ESA should state that the proposed project-site does not include the entire tax parcel, and in such instances, the outlines of the proposed project-site must be accurately illustrated on the tax map. **The project-site boundaries must be clearly marked and consistent on all figures.** Pursuant to the current ASTM Standard, the project site should be referred to as the “Subject Property” throughout the Phase I ESA.
3. Be completed and certified as to its accuracy, completeness and in conformance with the ASTM Standard and AHFA Policy Requirements by an “Environmental Professional” as defined the current ASTM Standard.
4. Include a statement that the report can be relied upon by AHFA.
5. Pursuant to Section 4.6 of the ASTM Standard and 40 CFR 312.20, the following components of every Phase I ESA must be updated if they are greater than 180 days old:
 - a. interviews with owners, operators, and occupants;
 - b. searches for recorded environmental cleanup liens;
 - c. reviews of federal, tribal, state, and local government records;
 - d. visual inspections of the subject property and of adjoining properties (include photographs taken during the visual inspection); and
 - e. declaration by the Environmental Professional (EP) responsible for the assessment or update.
6. Be in the AHFA Required Environmental Report Format (Addendum B-3).
7. Include a database search. **IMPORTANT: The facilities required to be searched and the search distances for ASTs, USTs, delisted NPLs, historic auto facilities, and historic dry cleaners (as specified in Addendum B-3) required by AHFA are more stringent than the default search distances based on the ASTM Standard.** The results and EP’s analysis of the database search must be described in the text of the Phase I ESA report (detailing the total number of listed facilities within applicable search radii from the site boundary) and include a sufficiently detailed rationale for why each facility listed in the database search should or should not be identified as a REC. Facilities ruled out as RECs may be summarized as a group; however, the EP must provide the basis

(described in sufficient detail) for ruling out groups of facilities as RECs. AHFA reserves the right to reject summaries that do not sufficiently address any facilities listed in the database search results.

8. If the proposed project involves rehabilitation, removal, or demolition of any structures the following items must be addressed (with associated cost estimates for each and documentation within project budget to account for these costs):

- a. **Asbestos Testing:** Asbestos testing must be performed to document the presence or absence of asbestos-containing materials (“ACMs”) in every structure. Testing is to be conducted by Alabama licensed, accredited inspectors meeting the requirements set forth in Ala. Admin. Code r. 822-X-2 or as otherwise specified by the Alabama Safe-State Program. Asbestos testing results must follow the applicable inspection and sampling protocols set forth in the Asbestos Hazardous Emissions Response Act (AHERA) and regulations, EPA’s National Emission Standards for Hazardous Air Pollutants (NESHAP) for Asbestos, Ala. Admin. Code r. 335-3-11, and all other applicable federal, state, or local regulations. All asbestos testing results must be included in the Phase I ESA at the time of application submittal. AHFA requires the Phase I ESA to include a statement that all friable and non-friable ACM in deteriorated condition will be completely abated. If funded, a plan for complete abatement by a qualified asbestos contractor of all friable and non-friable ACM in deteriorated condition in all structures will be required. An asbestos contractor’s listing may be obtained from the Alabama Department of Environmental Management (“ADEM”) at 334-271-7700 or at <http://www.adem.alabama.gov>. Non-friable ACMs may be managed in place if in an intact condition, and if any proposed rehabilitation activities will not disturb the non-friable ACMs. If funded, a site-specific Operations & Maintenance Plan will be required if non-friable intact ACMs (in good condition) are to be left in place.
- b. **Lead-Based Paint (“LBP”) Testing:** For all buildings built prior to 1978, a LBP testing report must be included in the Phase I ESA. AHFA requires the Phase I ESA include a statement that all LBP will be completely abated (eliminated) by a licensed LBP contractor. If funded, the plan for LBP abatement will be required. If any structures are planned to be demolished, in lieu of a LBP testing report, it is acceptable to provide a plan for abatement via demolition that includes the appropriate management and disposal of waste in accordance with applicable solid waste regulations and the preparation of any required post-demolition clearance report compliant with applicable state, federal, and local regulations. A list of licensed LBP contractors can be obtained from the Alabama Department of Public Health (“ADPH”) at www.adph.org. See also Lead-Based Paint standards: US Department of HUD “Guidelines for the Evaluation and Control of Lead Paint Hazards in Housing”: Chapter 7 of https://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/lbp/hudguidelines.
- c. **Mold:** Visually check for the presence of mold and notate your findings. If mold is present or suspected to be present, the Phase I ESA shall provide recommendations for abatement and confirmation air sampling following removal.

9. All reports must include information on the following:

- a. **Radon:** Report the Alabama Department of Public Health radon zone for the county in which the project is located.² New Construction projects in all zones will require radon resistant new construction practices in all buildings pursuant to the radon requirements in the most recent version of HUD’s Multifamily Accelerated Processing (MAP) Guide (“HUD MAP Guide”).³ Radon testing results must be provided for all rehabilitation projects in strict accordance with the most recent version of HUD’s MAP Guide, including without limitation the requirements regarding Radon Professionals and testing protocols.

² <http://www.adph.org/radon/Default.asp?id=6413>

³ <https://www.hud.gov/sites/dfiles/OCHCO/documents/4430GHSGG.pdf>

b. Wetlands:

- i. The applicant must engage an EP and begin evaluating the potential for wetlands on a project site as early as possible in the process of preparing an application so that if a Jurisdictional Determination (JD) from the U.S. Army Corps of Engineers (USACE) is required as set forth herein, the EP has sufficient time to meet the deadlines set forth herein. For purposes of the Phase I ESA Report, wetlands, streams, lakes, and other water bodies are defined according to the USACE Wetlands Delineation Manual (1987) and related guidance documents. The Phase I ESA report must include a United States Fish & Wildlife Service (“USFWS”) National Wetlands Inventory (“NWI”) Map with project-site boundaries clearly marked and consistent with the boundaries on all other figures. The EP must also field verify to confirm whether or not the project-site contains wetlands, streams, lakes or other water bodies, including both jurisdictional “waters of the United States” and non-jurisdictional waters and wetlands. If on any portion of the project-site (including integral offsite development areas) evidence of any wetlands, streams lakes or other water bodies are suspected to be present (based on the EP’s field observations; aerial photographs; water bodies shown on the USGS topographic map; wetlands or other aquatic resources on the NWI map; or hydric soils on the soils map), then (1) a delineation report for the project-site prepared by a qualified professional to demonstrate the absence of wetlands, streams, lakes, or other water bodies on the site, and (2) a JD from USACE will also be required to confirm the absence of wetlands, streams, lakes, or other water bodies. Notwithstanding the foregoing, the applicant is not required to provide a JD from USACE where the presence of hydric soils is the only indication of potential jurisdictional waters, and a qualified professional certifies in the delineation report that there are no hydric soils on the project-site based on field observation.
- ii. If the project-site is to be subdivided from or is a smaller tract of an existing tax parcel so as to remove all wetlands, streams, lakes, or other water bodies from the project site, a JD from USACE will also be required. Any delineation studies or assessment reports prepared for the project site or adjoining properties by the EP must be submitted with the application.
- iii. To the extent a JD must be obtained for the project site or adjoining properties, a valid JD from USACE must be provided within 60 days after the date of submission of an application to AHFA; and the application must include a copy of the request for JD to USACE along with proof of submission.
- iv. **FOR ANY PROJECTS INVOLVING HOME FUNDS OR ANY NEW CONSTRUCTION PROJECTS INVOLVING HOUSING CREDITS:** No portion of the project-site may contain wetlands, streams, lakes, or other water bodies (which also includes waters of the United States) including any integral offsite development areas (e.g., offsite areas required for ingress, egress, or parking). If the presence of all such water bodies is not sufficiently ruled out in the Phase I ESA Report, AHFA reserves the right to terminate the application.
- v. **FOR ANY PROJECTS INVOLVING HOUSING CREDITS SOLELY ASSOCIATED WITH THE REHABILITATION OF EXISTING MULTIFAMILY RESIDENTIAL RENTAL HOUSING ONLY:** The project-site may contain wetlands, streams, lakes or other water bodies including any integral offsite development areas (e.g., offsite areas required for ingress, egress, or parking). **HOWEVER**, if a delineation report is required pursuant to the foregoing Paragraph 9.b.i, the applicant must provide a JD from USACE in accordance with the foregoing Paragraph 9.b.iii, indicating that future activities conducted in connection with the project-site (including without limitation demolition, construction, rehabilitation,

and operation) will not impact any jurisdictional waters and will not require any permits administered by USACE.

- c. Floodplains (100 year (zones A or V), 500 year (zones B, C or X(shaded))): The Phase I ESA must include a FEMA Flood Insurance Rate Map (“Firmette”) with site boundaries clearly marked and consistent with the boundaries on all other figures. For Housing Credit Only projects, no buildings (residential or any other use) on the site can be located within the 100-year floodplain. AHFA will allow the acquisition/rehabilitation of an existing building already located in a floodplain if acceptable evidence of flood insurance is provided at time of application. For any projects receiving HOME Funds, no portion of the site, including integral offsite development areas (e.g., offsite areas required for ingress, egress, or parking), can be located within the 100-year flood plain.
- d. Noise Abatement & Control: The Phase I ESA must include (1) a completed HUD “Noise (EA) - Partner Worksheet” found at:

<https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>; and (2) a completed HUD “Day/Night Noise Level Calculator” assessment found at: <https://www.hudexchange.info/resource/2830/day-night-noise-level-assessment-tool/>.

The noise level assessment must identify whether:

- There is a civil airport within five miles of the site.
- There is a military airport within 15 miles.
- There is a major road (average daily traffic count of 10,000 or more vehicles) within 1,000 feet of the site.
- There is a railroad track within 3,000 feet.

Anticipated noise levels must be measured from the project-site boundaries. Outside noise levels less than or equal to 65 dB and all interior noise levels less than or equal to 45 dB are considered “Acceptable Noise Levels”. Noise levels must be projected out to a period of 10 years beyond the date of the Phase I ESA. The Phase I ESA must include figures illustrating the location of the site boundary relative to the noise source (with distances included on each figure).

For all projects involving HOME, HOME-ARP, and HTF funds that exceed Acceptable Noise Levels, mitigating measures MUST be incorporated into the project to reduce anticipated noise levels below Acceptable Noise Levels utilizing HUD approved mitigation measures. See generally, <https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>.

For all projects involving Housing Credits (but not HOME, HOME-ARP, and HTF funds) that exceed Acceptable Noise Levels, mitigating measures should be incorporated into the project to the fullest extent practicable and in accordance with HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control) of 24 CFR Part 51 and related guidance. The Phase I ESA may provide a detailed explanation as to why mitigating measures are not practicable for projects involving Housing Credits; however, AHFA retains sole discretion to determine whether such explanation is sufficient.

If in accordance with the above, mitigation measures are proposed to reduce noise levels at the project site, a noise mitigation plan must be submitted with the Phase I ESA. The noise mitigation plan must include: (a) details regarding the specific plan and its compliance with

all applicable HUD noise mitigation guidelines (b) estimated mitigation costs and (c) sound transmission classification tool (STraCAT) and/or barrier performance module; found at: <https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>.

- e. Airport Clear Zones & Accident Potential Zones: The Phase I ESA must (1) include both a completed HUD “Airport Hazards - Partner Worksheet” and a completed HUD “Airport Runway Clear Zones Partner Worksheet” found at: <https://www.hudexchange.info/programs/environmental-review/airport-hazards>, and (2) attach a map (e.g., Google Earth or Google Street map) indicating the location of the project site and any airport(s) in the vicinity of the project site. AHFA will not approve an application for HOME Funds if any part of the project site is located within the runway protection zone/clear zone of a civilian airport (RPZ/CZ) or accident potential zone of a military airport (APZ). Note: Civil clear zone is 2,500 feet (0.47 miles) from the end of the runway (RPZ/CZ); military clear zone is 15,000 feet (2.8 miles) from the end of the runway (APZ). The Phase I ESA must answer the following questions:
- Is the project site located within an RPZ/CZ or APZ?
 - Is the site located within a flight path?
 - What is name of and distance to the airport nearest to the project site?
10. Aboveground Storage Tanks: All aboveground storage tanks (ASTs) containing 100 or more gallons of explosive or flammable liquid or gas within 1 mile of the project site must be identified in the Phase I ESA Report via database search AND field verification. The report should separately describe ASTs not listed on the database search but identified via field verification. The Phase I ESA Report must describe the contents, size, and distance of each AST to the nearest perimeter point of the project site. The EP must certify that the EP field-verified the distance of the ASTs to the nearest perimeter point of the project site. The Phase I ESA Report must also demonstrate that an acceptable separation distance (“ASD”) between any ASTs and the perimeter of the project site will be met for people as well as buildings using the HUD-approved ASD calculations. If any ASTs are determined to be less than the HUD-approved ASD, the Phase I ESA must describe the most current mitigation measures approved by HUD that are proposed to be installed and a cost estimate for any such measures.⁴
11. The EP must obtain from the Applicant a completed User Questionnaire as required in the ASTM Standard to include with the Phase I ESA Report.
12. The EP must complete Addendum B-4 (The Letter of Reliance) on the EP’s letterhead and submit as Appendix H.

REQUIREMENTS FOR EVERY PHASE II ESA SUBMITTED TO AHFA:

1. All Phase II ESA Reports must fully address all RECs identified in the Phase I ESA Report (including any RECs that AHFA determines should have been identified in the Phase I ESA but were not); must be completed in accordance with the most current versions of ASTM E1903,

⁴ Attach the results of the HUD ASD Calculator tool found at: <https://www.hudexchange.info/programs/environmental-review/asd-calculator>. HUD approved acceptable mitigation measures currently can be found at <https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/>. Complete and submit the HUD “Explosives - Partner Worksheet” found at: <https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/>.

AEIRG, and the ARBCA guidance; and must demonstrate that all environmental conditions associated with the project are appropriate for unrestricted residential use (as defined by ADEM under Alabama Administrative Code regulation 335-15-1.02(ddd), other than the sole exceptions described on Page B-1 of this Addendum B.

2. All Phase II ESA Reports must also include all applicable investigation elements detailed in Section 2.3 of the AEIRG and provide the basis for the sampling strategy employed (see Section 2.3.7 of the AEIRG, February 2017).
3. If the EP believes or contends that any Chemicals of Concern (“COC”) detected are consistent with or in line with “background conditions,” the EP shall provide a basis for such an opinion. Methods for doing so include, but are not limited to, the U.S.G.S. studies for COCs in the same geographic region and sufficient background samples to be analyzed and evaluated under the current version of AEIRG.

REQUIREMENTS FOR EVERY REMEDIATION OR MITIGATION PLAN SUBMITTED TO AHFA:

1. Excepting only plans for radon resistant new construction, for all remediation or mitigation measures that have been or are recommended to be performed to resolve any environmental issue identified in a Phase I ESA or Phase II ESA, the following must be submitted at the time of application: (a) details regarding the specific remediation plan; (b) all applicable final regulatory authority approvals required for the implementation of the remediation plan; (c) a detailed line item summary of estimated costs with supporting quotes; (d) information regarding the expected source of funding for conducting the remediation activities; (e) a projected schedule for approved remediation activities; and (f) a copy of any proposed environmental covenants documenting any planned institutional or engineering controls.
2. To the extent there are conflicting or inconsistent guidelines or methods between regulatory agencies concerning the environmental matter at issue, the EP shall follow the most stringent standard and certify that this standard has been satisfied.

(MUST BE ON ENVIRONMENTAL PROFESSIONAL’S LETTERHEAD)

Addendum B-2

Engagement Letter

Click here to enter a date.

[Applicant]

RE: Phase I ESA Report [or subsequent Environmental Reports] for:

Applicant

Development Name

Development Address

Dear [Applicant]:

Please accept this letter setting forth the terms of engagement (“Engagement Letter”) under which our Firm will provide environmental consulting services to you and your company for purposes of conducting a Phase I ESA Report [or subsequent Environmental Reports] for the Development Project at the designated address set forth above.

It is our Firm’s understanding that the nature and scope of the environmental professional services to be provided to you are as follows:

1. Our Firm has been engaged by [APPLICANT] to conduct a Phase I ESA at the Development location specified above in conformance with the scope and limitations of both the current ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process and AHFA’s Environmental Policy Requirements.
2. Our Firm certifies that the Phase I ESA Report will be conducted and completed by an Environmental Professional (as defined by 40 C.F.R. § 312.10(b)) and the Phase I ESA, once completed, will also be certified in this same manner.
3. Our Firm understands that the information contained in the Phase I ESA Report will be used by Alabama Housing Finance Authority (“AHFA”) in considering proposed financing of residential development/rehabilitation of the property and, therefore, AHFA may rely upon the Phase I ESA Report in its entirety as if it were originally issued to AHFA. While AHFA will be entitled to rely upon the Phase I ESA Report in its entirety, the Applicant will be solely responsible for any and all fees and expenses associated with completing this scope of engagement.
4. Our Firm understands the AHFA Insurance Requirements that are required for this scope of work and these insurance requirements have been satisfied and addressed as follows:
 - a. The Firm has Professional Liability and/or Errors and Omissions insurance coverage in the minimum amounts of One Million Dollars (\$1,000,000.00) per event or occurrence;
 - b. The Firm has Worker’s Compensation Insurance and Public Liability Insurance for bodily injury and property damage which may be suffered by third parties and members of the public in the minimum amounts of One Million Dollars (\$1,000,000.00) per event or occurrence; and⁵
 - c. The Firm has Comprehensive General Liability and Property Damage Insurance for bodily injury and property damage in the minimum amounts of One Million Dollars (\$1,000,000.00).

Our Firm understands that it shall provide a copy of its Insurance Certificate or Accord demonstrating that it satisfies the AHFA Insurance Requirements and listing or scheduling

⁵ Where applicable, it is acceptable for the following to be used instead: Per the attached documentation, the Firm has only [#] employees and is exempt from Alabama Workers’ Compensation Laws.

AHFA as an additional insured for the Comprehensive General Liability and Property Damage insurance policies.

5. Our Firm understands that to the extent recommendations are being provided by the EP to the Applicant concerning Phase I ESA work to be performed, mitigation or abatement measures, or additional assessment (“Additional Work”), those recommendations for Additional Work shall be provided to AHFA at the time of Application. Further, our Firm understands that the Applicant shall not have the authority to authorize or instruct the EP or our Firm to implement such recommendations without AHFA’s express written concurrence.
6. Our Firm also understands that once the Applicant submits its Application to AHFA, none of the Applicant, the EP (or our firm), the current property owner or any agent of said parties may undertake or conduct any Choice Limiting Activity at the Development project site. For avoidance of doubt, our Firm will seek written authorization for any Additional Work from AHFA before proceeding. In addition, our Firm understands that once the Applicant submits its Application to AHFA, our Firm shall not engage in communications with the Applicant and or any governmental or regulatory agencies concerning Additional Work and any related activities concerning the Development project site without first obtaining written authorization from AHFA (except when responding to any written request by AHFA to the Applicant for additional information regarding or clarification of the Phase I ESA). Our Firm appreciates the opportunity to work with the Applicant and AHFA in undertaking the Phase I ESA engagement and looks forward to working with you.

Addendum B-3

AHFA Required Environmental Report Format

TABLE OF CONTENTS

1.0 EXECUTIVE SUMMARY

 1.1 PHASE I ESA

 1.2 TIER 1 VAPOR ENCROACHMENT SCREENING (must include discussion of results).....

 1.3 AHFA NON-SCOPE SUMMARY.....

 1.4 RECOMMENDATIONS (If there is a potential for contamination to be present on the subject property, regardless of on-site or off-site sources of the contamination, recommendations for additional testing or assessment must be included)

 1.5 OTHER

2.0 INTRODUCTION

 2.1 PURPOSE OF SERVICES (MUST state EP understands that the purpose of the Phase I ESA is to ascertain whether the property is environmentally suitable for construction/rehabilitation of multi-family residential housing)

 2.2 DETAILED SCOPE OF SERVICES

 2.3 SIGNIFICANT ASSUMPTIONS.....

 2.4 PROJECT-SPECIFIC LIMITATIONS AND EXCEPTIONS.....

 2.5 SPECIAL TERMS AND CONDITIONS

 2.6 RELIANCE (Must indicate AHFA can rely on report)

 2.7 PASSAGE OF TIME AND VALIDITY OF REPORT

3.0 USER-PROVIDED INFORMATION

 3.1 TITLE RECORDS

 3.2 ENVIRONMENTAL LIENS OR ACTIVITY AND USE LIMITATIONS (EP accepts responsibility for and obtains search results as explained in Section 6.2 of ASTM Standard)

 3.3 SPECIALIZED KNOWLEDGE.....

 3.4 COMMONLY KNOWN OR REASONABLY ASCERTAINABLE INFORMATION

 3.5 VALUATION REDUCTION FOR ENVIRONMENTAL ISSUES

 3.6 OWNER, PROPERTY MANAGER, AND OCCUPANT INFORMATION

 3.7 OTHER

4.0 SITE RECONNAISSANCE.....

 4.1 METHODOLOGY AND LIMITING CONDITIONS

 4.2 GENERAL SUBJECT PROPERTY SETTING AND LOCATION (MUST include subject property location (latitude and longitude) and LEGAL DESCRIPTION (metes and bounds).....

 4.3 EXTERIOR OBSERVATIONS

 4.4 INTERIOR OBSERVATIONS

 4.5 CURRENT AND PAST USES OF THE SUBJECT PROPERTY (including property ownership history).....

 4.6 CURRENT AND PAST USES OF ADJOINING PROPERTIES.....

 4.7 CURRENT OR PAST USES IN SURROUNDING AREA.....

5.0 RECORDS REVIEW

 5.1 PHYSICAL SETTING SOURCE(S).....

- 5.1.1 Topography, Surface Water, and Hydrogeology.....
- 5.1.2 Geology
- 5.1.3 Soils.....
- 5.2 DATABASE REPORT (Discuss all listed regulated facilities, other notable facilities, and orphan facilities)
- 5.2.1 Search Distances - from latitude and longitude (ASTM distances plus Delisted NPL one mile, AST one mile, UST 0.5 mile, LUST 0.5 mile, Historic Auto Facilities 0.5 mile, and Historic Dry Cleaners 0.5 mile)
- 5.2.2 Mappable Sites (EP must field-verify the distance to any facilities identified)
- 5.2.3 Unmappable Sites.....
- 5.3 STANDARD HISTORICAL INFORMATION (Check with local government, library, fire department, courthouse, etc.)
- 5.4 STANDARD HISTORICAL RESOURCES (include all documents in Appendix D).....
- 5.4.1 Aerial Photographs
- 5.4.2 City Directories (must include site and surrounding properties in all directions).....
- 5.4.3 Sanborn® Fire Insurance Maps.....
- 5.4.4 Historical Topographic Maps.....
- 5.5 OTHER HISTORICAL SOURCES
- 6.0 INTERVIEWS.....**
- 6.1 STATE AND LOCAL GOVERNMENT OFFICIALS (MAYOR, FIRE DEPARTMENT, LOCAL HISTORICAL SOCIETY, ETC.) (Interviews will be conducted first in person, if unavailable then by phone, then via written communication. Verify which method used and include name, contact information, and date of interview)
- 6.2 APPLICANT/DEVELOPER.....
- 6.3 PROPERTY OWNERS
- 6.4 SITE MANAGER, OCCUPANTS, & LOCAL RESIDENTS
- 6.5 OTHERS.....
- 7.0 ADDITIONAL AHFA REQUIRED ELEMENTS.....**
- 7.1 TIER 1 VAPOR ENCROACHMENT SCREENING (ASTM E2600-22).....
- 7.2 ASBESTOS
- 7.3 LEAD-BASED PAINT.....
- 7.4 MOLD.....
- 7.5 RADON
- 7.6 WETLANDS
- 7.7 FLOODPLAINS
- 7.8 NOISE ABATEMENT & CONTROL
- 7.9 AIRPORT CLEAR ZONES & ACCIDENT POTENTIAL ZONES (Must provide detailed summary for each item)
- 7.10 STATEMENT FROM EP THAT SUBJECT PROPERTY MEETS REQUIREMENTS OF 24 CFR 58.5(i)(2)
- 7.11 OTHER.....

8.0 EVALUATION (FINDINGS, OPINIONS, AND CONCLUSIONS).....

8.1 PHASE I ESA.....

8.2 ADDITIONAL INVESTIGATIONS, LIMITATIONS, EXCEPTIONS, DEVIATIONS, AND DATA GAPS

8.3 CONCLUSIONS AND ASTM STATEMENT (Must certify EP conducted the Phase I ESA in accordance with the current ASTM Standard and AHFA’s Environmental Policy Requirements) (Must state whether the property is suitable for or may satisfy the residential use standard based upon EP’s best professional judgment)

8.4 EP STATEMENT (40 CFR PART 312) AND SIGNATURE

8.5 OTHER

9.0 REFERENCES.....

APPENDICES

APPENDIX A FIGURES (SITE BOUNDARIES MUST BE CLEARLY MARKED AND CONSISTENT ON ALL FIGURES)

- i. GOOGLE EARTH MAP
- ii. TAX MAP
- iii. SITE LOCATION MAP
- iv. SCHEMATIC SITE PLAN
- v. TOPOGRAPHIC MAP
- vi. NATIONAL WETLANDS INVENTORY MAP
- vii. FLOOD INSURANCE RATE MAP

NOTE: Items i., ii., and iii. must include:

- a). An area large enough to display the location of the site and adjoining properties including existing streets.
- b). Identification of environmental concerns, where applicable, including off-site sources or locations that have the potential to adversely impact the property.
- c). Boundaries of floodplains, wetlands, drainage features, jurisdictional waters, and/or potential waters of the State on or potentially impacted by proposed activities at the site.)
- d). A North arrow.

- APPENDIX B PROPERTY RECORDS AND USER QUESTIONNAIRE
- APPENDIX C ENVIRONMENTAL LIEN/ACTIVITY USE LIMITATIONS RESEARCH
- APPENDIX D ENVIRONMENTAL DATABASE REPORT
- APPENDIX E HISTORICAL RECORDS DOCUMENTATION
- APPENDIX F SITE AND VICINITY PHOTOGRAPHS
- APPENDIX G INTERVIEW DOCUMENTATION (Document the interviewee’s contact information and date of interview)
- APPENDIX H AHFA RELIANCE LETTER (Addendum B-4 on EP letterhead)
- APPENDIX I ENGAGEMENT LETTER/CONTRACT (Addendum B-2 on EP letterhead)
- APPENDIX J PROFESSIONAL RESUMES/PERSONNEL QUALIFICATIONS

APPENDIX K AHFA-REQUIRED ELEMENTS:

K.1 VAPOR ENCROACHMENT SCREENING DOCUMENTATION IN COMPLIANCE WITH ASTM E2600-22

K.2 PROOF OF INSURANCE – AHFA MINIMUMS OR ABOVE (AHFA must be listed as Insured)

K.3 SUPPLEMENTAL DOCUMENTATION

K.3A ASD Calculator Sheets and figure illustrating location of all ASTs within 1 mile of the site and their distance from the site boundary

K.3B Asbestos Testing Results with laboratory analytical data reports and documentation that the testing was completed by an accredited asbestos inspector licensed in Alabama (include copy of proof of accreditation)

K.3C Lead-Based Paint Testing Results with laboratory analytical data reports

K.3D Radon Testing Results (must include sample location map, number of units tested, number of units on the site, and documentation that the radon testing was completed by a certified Radon Professional (include copy of the Radon Professional's proof of certification)

K.3E Wetlands Delineation Report and Request for Jurisdictional Determination (as applicable)

K.3F Floodplains documentation and evidence of flood insurance (as applicable)

K.3G Noise Evaluation (must include current HUD Partner Worksheets, DNL Calculator Sheets (to include a 10-year noise projection), figures clearly illustrating the site boundary and noise source (with distances to each source clearly indicated on the figures), and, if required, mitigation measures, cost estimate, and STraCAT and/or Barrier Performance Module.

K.3H Airport Hazards with all required Airport Hazard Worksheets, Runway Clear Zones, and a Google Earth (or equivalent) map illustrating the site location relative to each airport within the specified distances.

Addendum B-4
Letter of Reliance

MUST BE ON ENVIRONMENTAL PROFESSIONAL'S LETTERHEAD

Click here to enter a date.

Alabama Housing Finance Authority
7460 Halcyon Pointe Drive, Suite 200
Montgomery, AL 36117

RE: Phase I ESA Report [or subsequent Environmental Reports] for:

Development Name

Development Address

Development City, State Zip

Please find enclosed the Phase I Environmental Site Assessment (ESA) Report [or subsequent Environmental Reports] for the subject property dated [Click here to enter a date] to the Alabama Housing Finance Authority (AHFA).

It is my understanding that the information contained in the ESA Report(s) will be used by AHFA in considering proposed financing of residential development/rehabilitation of the property and, therefore, AHFA may rely upon the ESA Report in its entirety as if it were originally issued to AHFA.

I certify that the attached is a true, correct and complete copy of the ESA Report and that the report represents my professional opinion of the site as of this date. I also confirm the evaluation, recommendations, and conclusions contained in the ESA Report have been performed in conformance with the scope and limitations of both the current ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process and AHFA's Environmental Policy Requirements.

Last, I also certify by my signature below that [INSERT NAME] meets the definition of an Environmental Professional as defined by 40 C.F.R. § 312.10(b) and has performed the environmental investigations described above.

Sincerely,

Environmental Professional Name

Environmental Professional Company Name