September 12, 2023

Hello everyone:

This is the CDBG Environmental Record Review (ERR) guidance for State of Illinois CDBG Public Infrastructure (PI) grants issued by the Office of Community Development (OCD) of the Illinois Department of Commerce and Economic Opportunity (DCEO), revised to incorporate changes HUD, DCEO and/or Federal and State environmental sources have made and/or emphasized since the last version was issued in Summer 2018. If you have administered a previous round’s CDBG PI grant, or one of the former CDBG RLF Closeout grants, most of the instructions will be familiar.

I’ve highlighted in yellow below the changes since the last edition of this document was issued. The current versions of PI-related ERR forms from HUD and DCEO and some of the State environmental clearance agencies are also available on the DCEO OCD Environmental Materials website (<https://dceo.illinois.gov/communitydevelopment/environmentalmaterials.html>).

In 2016, as part of HUD’s Office of Energy and Environmental (OEE) environmental monitoring of DCEO’s State CDBG program, the United Stated Department of Housing and Urban Development (HUD) Office of Energy and Environmental (OEE) Region 5 office in Chicago approved DCEO’s use of the current HUD and DCEO ERR forms in satisfying the environmental requirements of our CDBG grants. These HUD and DCEO forms are for use in preparing a “paper” ERR scanned in color for submission to the DCEO OCD Environmental Review Officers (EROs) for CDBG, CDBG-CV and CDBG-DR grants issued by DCEO OCD only, since HUDs HEROS on-line ERR submission and review system is not available for use by State grantors of HUD assistance, as each State government issuing HUD assistance assumes the responsibility from HUD under 24 CFR 58 for reviewing the ERR’s prepared by its Subgrantees. (Please note that HUD assistance awarded by IHDA may not be treated as “State” HUD assistance, and so may have to submit its ERRs directly to HUD on HEROS).

The easiest way to outline the ERR forms and processes is linear in order; from the 1st DCEO and HUD ERR form you’ll need to begin completing to the last. This order should be universal.

As I mentioned above, if you worked on an ERR for a DCEO CDBG PI or RLF Closeout for PI grant in the years since 2016, the forms and processes outlined below will be familiar. For the newer, or returning after a time ERR processers, please breath in and out, and recognize that I will help guide you through forms completion questions as they arise but am not responsible for training you on their entirety.

Here we go:

1. The attached ***Determination of Level of CDBG Environmental Review*** is used to state what level(s) of HUD environmental review apply to your CDBG grant-funded project and its activities. You’ll use the three “***Finding***” pages behind the ***Determination*** to ascertain which of your project’s activities (e.g., activity delivery and/or construction) may be reduced to one of the lower levels of HUD environmental review (i.e., Exempt, Categorically Excluded (Not Subject to 58.5) (i.e., CENST), or Categorically Excluded (Subject to 58.5) (i.e., CEST). If an activity, usually types of construction, cannot be categorized at one of the lower levels, then its level of HUD environmental review will be “Environmental Assessment” (i.e., EA), and marked accordingly on the ***Determination***. Please pitch the “***Finding***” pages not applicable to your project before scanning the ***Determination*** sheet into the completed ERR e-mailed to DCEO OCD.

Generally, for CDBG PI Grants issued under the PY’17 Round and onwards, there will be no Engineering listed in the Grant Agreement, for either CDBG or “Other”-funded activities. If no Activity Delivery or Engineering will be budgeted, then there should be no Exempt boxes checked on the “***Finding***” pages behind the ***Determination*** for either Activity Delivery or Engineering (i.e., the formerly familiar boxes 1, 3 & 8), and the “***Finding of Exempt Activity***” page should be pitched.

Some construction activities (e.g., sewer re-linings/replacements; water or sewer main replacements in place (where there won’t be a change in size or capacity of more than 20%); or sewer lift station re-build in place) will be a Categorically Excluded (Subject to 58.5) (i.e., CEST), with some able to convert to Exempt if no formal Mitigations are identified during documentation of the CEST; while most other construction activities will be EA.

You, as the environmental reviewer, will sign the completed ***Determination***. Remember to pitch any “***Finding***” pages that weren’t applicable to your project (e.g., the CENST “***Finding***” page for a construction project, as CENST’s only Illinois CDBG use is usually for certain Economic Development (ED) projects involving inventory or equipment purchases).

1. Using the ERR determination of level(s) of review you found in the previous step, you should now start the attached ***CDBG Environmental Workflow Process (For Grantee Use)*** form, which you will sign and date as its preparer. This DCEO form will be your reference tool to guide you through each step of the CDBG ERR process and will be completed over the weeks or months it takes for the ERR to be documented and assembled. Once you have started the ***Workflow Process***, you should go ahead and place the completed ***Determination*** (and its relevant “***Finding***” sheets) from step 1 above underneath the ***Workflow Process*** sheet in your ERR file, and then place the remainder of the ERR documents behind that, in the order they occur on the ***Workflow Process*** and are completed. As with any HUD ERR, not every item on the ***Workflow Process*** may be relevant or necessary for every CDBG ERR. It all depends on what HUD level(s) of ERR are applicable for your project’s activities and what environmental conditions on the ground (or in the air) are discovered while completing the ERR process. The key ***Workflow Process*** items from the HUD monitoring perspective are the signature dates of the various HUD forms, and the dating of any required publications/postings and public comment periods. HUD’s Office of Environment and Energy (OEE) considers violations of those dates as “Timing issues”, and during their May 2015 monitoring visit, issued Findings because of their review of them, and “Timing Issues” can cause an ERR to be cancelled and re-started, and/or re-published or re-posted if discovered by the DCEO OCD ERO.
2. Chicken or egg time if your CDBG PI Grant project has CDBG-funded Activity Delivery (incl. for ERR preparation) costs. In CDBG-funded AD is budgeted, then the next task will be completion of the attached ***Environmental Review for Activity/Project that is Exempt or Categorically Excluded Not Subject to Section 58.5*** (attached as the Exempt-CENST-ER Format). HUD has chosen to put both the formerly separate Exempt and Categorically Excluded (Not Subject to 58.5) (CENST) Certifications, and the contents of the former 58.6 Compliance Documentation Checklist, onto one form to reduce paperwork. Generally, for DCEO CDBG, CENST will only apply to certain Economic Development activities funded under a CDBG-ED grant. So, the focus of this ***Environmental Review*** form for a PI project will be the Exempt activity of Activity Delivery.

The main completion highlights of this form are that (a) the “Responsible Entity” is the Grantee community’s name, the “Certifying Officer” is the Grantee’s chief elected official by name and title, and the “Project Location” on page 1 will be the Grantee’s governmental address (and not the eventual construction location); (b) for both “Project Name” and “Description of the Proposed Project” on page 1, please use a brief statement such as “Activity delivery necessary for an eventual \_\_\_\_\_\_\_\_\_\_\_\_\_ project.” (with the blank filled in with the eventual construction type, such as water main replacements, sewer re-linings, etc.); (c) on page 1, check that the Activity is “Exempt”, and in the following underlined space, type in “(1)(3)” to cover the CDBG/ other-funded ERR preparation and activity delivery activities; (d) the “*Exempt Amount*” at the top of page 2 is the total of the CDBG-funded activity delivery costs of your grant; the “*Estimated Total HUD Funded Amount*” will be the same amount, while the “*Estimated Total Project Cost (HUD and non-HUD Funds)*”, will be the total amount of CDBG/other-funded activity delivery costs of the project, then stated separately by activity and funding source, that add up to the total amount; (e) under compliance with 24 CFR 50.4 & 58.6, all three bodies of Federal law are now pre-marked “No” for compliance steps or mitigation, and the “Compliance determinations” boxes pre-filled with programmatically acceptable language (i.e., the answer to the “*Airport Hazards*” question is “No sale or acquisition of property will occur”, and due to HUD regs. and Federal law, the answers to the other two 58.6 questions are pre-marked “No”, with explanations stated, because Illinois is not a State covered by the Coastal Barriers Resource Act (although it is covered by the Coastal Zone Management Act below) and State formula grantees of HUD are not required to monitor flood insurance purchases for assisted properties, although such insurance may be required to be obtained before a project may be undertaken).

Once this ***Environmental Review for Activity/Project that is Exempt or Categorically Excluded Not Subject to Section 58.5*** is complete for the project’s Exempt activities, you will sign on page 3 as the “Preparer”, while the Grantee jurisdiction’s chief elected official will sign as the “Responsible Entity Agency Official Signature”, with the signatures dated for the day you began ERR research and preparation. Once completed, signed, and dated, activity delivery costs may be incurred, with CDBG-funded activity delivery costs reported and drawn after Grant Agreement execution *and* after a copy of the executed AD contract and 1st detailed AD invoice are provided to your assigned DCEO CDBG PI Grants Manager. You’ll **only** submit a copy of the ***Environmental Review for Activity/Project that is Exempt or Categorically Excluded Not Subject to Section 58.5*** with the entire completed ERR when it is ready.

1. Now that you’re ready for the HUD compliant environmental review of your Grant’s construction activity, and having previously determined under step 1 whether or not that level of review is Categorically Excluded (Subject to 58.5) (CEST) or Environmental Assessment (EA), the next form to begin and document will be the attached ***Compliance Documentation Checklist for Categorically Excluded (Subject to 58.5) or Environmental Assessment (EA)***, as it is the DCEO guide for determining required supporting documentation for the 16 bodies of Federal environmental law covered in those two levels of review (which includes the 3 bodies under 58.6 that used to have a separate checklist).

As with the ***CDBG Environmental Workflow Process (For Grantee Use)*** under step 2 above, the ***Compliance Documentation Checklist*** will take several weeks to months to document as each required piece of supporting documentation is sought and obtained. Supporting documentation required by the ***Compliance Documentation Checklist*** must be placed behind it in the order listed, to make the State and/or HUD’s review much easier to document. Once documented in its entirety, you will place the ***Compliance Documentation Checklist*** and its supporting documents behind either the completed ***Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5*** (CEST) or ***Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58*** (EA) outlined under steps 5 or 6, respectively, below. “Environmental Justice” is listed last on the ***Compliance Documentation Checklist*** for the reason that HUD OEE requires its documentation on the US EPA EJScreen web site to be performed only after all of the 15 other bodies of Federal environmental law have been completely documented. An EJScreen dated before any of the other CEST or EA supporting documents, or after the signature dates on a CEST or EA, will be a HUD “timing issue” that will cause cancellation of the ERR and its return for correction, incl. any necessary Notice re-publications.

1. If, under step 1, you determined that the HUD level of environmental review for your project’s construction activity is CEST, then the HUD environmental review form you will use is the attached ***Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5***.

The main completion highlights of this form are: (a) “Project Name” on page 1 should be a brief description of the construction activity being undertaken (e.g., “Approximately 3,800 linear feet of sewer re-linings/replacement in a target area of the Village of \_\_\_\_.”; (b) the “Responsible Entity” on page 1 is the Grantee community’s name, and the “Certifying Officer” is the Grantee’s chief elected official by name and title; (c) you the preparer (by name, title, organization, address and phone #) should be listed after “Preparer”; (d) the “Project Location” will be the approximate physical address(es) (incl. a GPS address if applicable) of the specific actual project location(s); (e) the “Description of the Proposed Project” should include a more detailed version of what you stated above under “Project Name”, including all construction aspects, activities, funding sources, location(s), proposed completion timelines, etc. (please refer to the HUD Exchange website listed under “Project Summary” on the ***Compliance Documentation Checklist for Categorically Excluded (Subject to 58.5) or Environmental Assessment (EA)*** for HUD’s recommended details; (f) under “Level of Environmental Review Determination”, after “Categorically Excluded”, you’ll type in the number(s) you checked on the CEST sheet from the ***Determination*** form you completed earlier, almost always “1” (e.g., for sewer re-linings, water or sewer main replacements in place not exceeding change of size or capacity of more than 20%, water tower rehabilitation, and/or lift station replacement in place, and etc.), but occasionally could include (3)(iii) if the construction activity involves rehab of an existing water or sewer plant building, or (6) if a combination of the activities described on that CEST Determination sheet are being undertaken under the grant; (g) the “*Categorically Excluded Amount*” at the top of page 2 must be the total of the CDBG-funded Categorically Excluded construction activities of your project; the “*Estimated Total HUD Funded Amount*” must be that same amount, while the “*Estimated Total Project Cost (HUD and non-HUD Funds)*”, should be the total amount of CDBG and other-funded construction costs (please do not include any activity delivery or engineering costs or activities on the CEST form), and then broken out by each respective funding source; (h) under the 3 Section 58.6 bodies of law on page 2, the answer to the “*Airport Hazards*” box can generally be “No” and then “No sale or acquisition of property will occur”, and a reference to your airport database search results of the project site. If sale or acquisition is involved, you must demonstrate that your project falls outside such airport hazards or is otherwise not impacted by them; (i) due to HUD regs. and Federal law, the answers to the other two Section 58.6 questions are pre-marked “No”, with explanations stated, because Illinois is not a State covered by the Coastal Barriers Resource Act (although it is covered by the Coastal Zone Management Act below) and State formula grantees of HUD are not required to monitor flood insurance purchases for assisted properties, although such insurance may be required to be obtained before a project can be undertaken;

(j) all of the CEST ***Environmental Review*** form, incl. all 16 of bodies of relevant Federal environmental law must be completely documented (incl. waiting for any required 30 or 35 day tribal consultation periods and/or required 8-step Flood Plain and/or Wetlands comment periods) prior to signature by you as the preparer and the Grantee’s chief elected official as the “Responsible Entity Agency Official Signature”; (k) If any of the sources checked for compliance with the 16 bodies of Federal environmental law require a mitigation or condition before or

during your PI project’s construction (e.g., IDNR and/or USF&WS requires construction only during winter months or only during summer months because of endangered species located in the project site), then you must list the affected body of law (in this case “Endangered Species” under “Law, Authority, or Factor” under “Mitigation Measures and Conditions”, and then state the specific mitigation required under “Mitigation Measure” (e.g., “Only cutting of trees less than 3 inches in diameter because of the Northern Grey Bat.”)). That mitigation must then be contained in all construction contracts related to the PI project, and you must convey that information to the engineer, contractor and (in some instances) the construction workers if the source so requires. Per latest HUD ERR training received, DCEO will make a spreadsheet of all formal Mitigations listed on ERR’s reviewed, for use by DCEO Grant Managers when they monitor one of their grants;

(l) Before signing, when selecting and marking one of the three “Determinations” at the bottom of the form, generally if the project location was not in whole or in part in an unprotected floodplain, in a HUD-prohibited floodway, and/or in an IDNR or USF&WS Federally-recognized wetlands, and no further mitigations, measures or conditions were required to be performed by a State or Federal environmental review agency before, during or after construction (e.g., IDNR’s oft-required special measures to be employed during construction for various plant or animal species), then the first “Determination” could be checked to denote that the Categorically Excluded (Subject to 58.5) activity/project is converting to Exempt. In that case, no ***HUD 7015.15*** (i.e., “***Request for Release of Funds***”) form, or its associated local public comment period and State objection period, as outlined below, would be required.

(m) If your CEST activity or project cannot convert to Exempt, the 2nd “Determination” box must be checked, the ***Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5*** signed and dated, and then at least one day later, the Notice of Intent to Request Release of Funds (NOI/RROF), using the current HUD-provided sample language, must be published or posted for your CEST ERR. Allow 7 full days of local public comment period if published; 10 full days if posted in at least three prominent public locations in the Grantee community (e.g., If published on 06/01/17, then the 7 full days would end on midnight of the evening of 06/08/17; if posted on 06/01/17, then the 10 full days would end on midnight of the evening of 06/11/17). Note: On the Notice to be published or posted, the “On or about” date at the start of the 1st paragraph must be that 8th day (or later) following day of publication, or the 11th day (or later) following day of posting, and the “All comments received by date” in the Notice must be the 7th day of the comment period for publications, or the 10th day for postings.

At least one day after the expiration of the local public comment period (and corresponding to the “On or about” date of the publication or posting), the Chief Elected Official may sign and date the ***HUD 7015.15*** (i.e., “***Request for Release of Funds***”) form (current version posted on DCEO OCD “Environmental Materials” website only; please pitch previous expired versions) listing only the dollar amounts and activities stated on the CEST (i.e. do not mention Activity Delivery activities or costs), and then you may transmit a scanned and e-mailed or mailed (copy) of the entire completed ERR (color version please) to the DCEO OCD PI ERO to begin the State’s mandatory 15-day objection period one day after the date of receipt. To clarify, the Chief Elected Official must sign and date the ***HUD 7015.15*** the day of or later than the “On or about” date, as was stated in the published or posted Notice.

Note: The ***Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5*** must only be signed and dated one day after all required supporting documentation for the 16 bodies of Federal environmental law has been obtained, with US EPA EJScreen for “Environmental Justice” being the last of that documentation. Specific instructions on those bodies of law are outlined below. Please take time that day to verify you have all the required supporting documents, and that the dates of any required tribal, flood plain and/or wetlands publications and comment periods, and US EPA EJScreen, were done correctly.

1. If, under step 1, you could not categorize all of your project’s construction activities under any of the lesser HUD levels of environmental review, then the construction activities’ level of review will be Environmental Assessment (EA), and the HUD environmental review form you will use is the ***Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58***. Older EA versions will not be accepted, so please pitch previous versions, and use the current version available on the DCEO OCD “Environmental Materials” webpage.

The main completion highlights of this form are: (a) “Project Name” on page 1 should be a brief description of the construction activity being undertaken (e.g., “Construction of a new water tower for the Village of \_\_\_\_.”; (b) the “Responsible Entity” on page 1 is the Grantee community’s name, and the “Certifying Officer” is the Grantee’s chief elected official by name and title; (c) you the preparer (by name, title, organization, address and phone #) should be listed after both “Preparer” and “Direct Comments to”; (d) the “Project Location” on page 2 will be the approximate physical address (incl. a GPS address, if available) of the specific actual project location(s); (e) the “Description of the Proposed Project” should include a more detailed version of what you stated above under “Project Name”, including all construction aspects, activities, funding sources, location(s), proposed completion timelines, etc. (please refer to the HUD Exchange website listed under “Project Summary” on the ***Compliance Documentation Checklist for Categorically Excluded (Subject to 58.5) or Environmental Assessment (EA)*** for HUD’s recommended details; (f) the “Statement of Purpose and Need for the Proposal” and “Existing Conditions and Trends” are just that: you will need to state why the project is being proposed, what it will remedy, and etc.; (g) under “Funding Information” on page 2, the “*Funding Amount*” you’ll state under the box to the right of “*HUD Program*” must be the total of the proposed CDBG-funded **construction** **activities** of your project (incl. LMI connections, and service connections, if applicable); the “*Estimated Total HUD Funded Amount*” must be that same amount, while the “*Estimated Total Project Cost (HUD and non-HUD Funds)*”, must be the total amount of CDBG and other-funded **construction** costs (please do not include any activity delivery or engineering costs or activities on the EA form), and then broken out by each respective funding source; (h) under the three Section 58.6 bodies of law that immediately follow, the answer to the “*Airport Hazards*” box can generally be “No” and then “No sale or acquisition of property will occur”, and a reference to your airport database search results of the project site. If sale or acquisition is involved, you must demonstrate that your project falls outside such airport hazards or is otherwise not impacted by them; (i) Due to HUD regs. and Federal law, the answers to the other two Section 58.6 questions are pre-marked “No”, with explanations stated, because Illinois is not a State covered by the Coastal Barriers Resource Act (although it is covered by the Coastal Zone Management Act below) and State formula grantees of HUD are not required to monitor flood insurance purchases for assisted properties, although such insurance may be required to be obtained before a project can be undertaken. The three Section 58.6 compliance items are the same as on the lower levels of ERR, while the 13 other bodies of Federal environmental law are the same as with the CEST level of review (addressed in more detail below);

The additional completion items on the EA, above the CEST level of review, are: (j) the “Environmental Assessment Factors” (EAF’s) on pp. 5-7 that must be completed in their entirety, incl. assigning a numerical “Impact Code” to each factor and completing its “Impact Evaluation” box; and (k) the items from “Additional Studies Performed” to “Summary of Findings and Conclusions” on page 7 must be completed.

Please note that early in 2023, and in compliance with Presidential Executive Orders dated in 2021, HUD added two additional EAF’s under “CLIMATE AND ENERGY”. Those are “Climate Change Impacts” and “Energy Efficiency”. HUD OEE provides guidance for documenting those at <https://www.hudexchange.info/programs/environmental-review/environmental-assessment/guide/climate-and-energy/>;

(l) If any of the sources checked for compliance with the 16 bodies of Federal environmental law requires a mitigation or condition before or during your PI project’s construction (e.g., IDNR and/or USF&WS requires construction only during winter months or only during summer months because of endangered species located in the project site), then you must list the affected body of law (in this case “Endangered Species” under “Law, Authority, or Factor” under “Mitigation Measures and Conditions”, and then state the specific mitigation required under “Mitigation Measure” (e.g., “No trenching from November to March because of the hibernation of the Copper Bellied Snake.”). That mitigation must then be contained in all construction contracts related to the PI project, and you must convey that information to the engineer, contractor and (in some instances) the construction workers if the source so requires. Per latest HUD ERR training received, DCEO will make a spreadsheet of all formal Mitigations listed on ERR’s reviewed, for use by DCEO Grant Managers when they monitor one of their grants; and

(m) The Determination of Finding of No Significant Impact (FONSI) *or* Finding of Significant Impact (FOSI) must be checked. **Hint:** Your CDBG PI project most likely never will result in a Finding of Significant Impact (FOSI) according to current HUD guidance, because they generally don’t involve construction of 2400 or more units of housing. If you believe otherwise, please consult with me before marking it FOSI.

Once the ***Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58*** (i.e., the EA) is completed and documented in its entirety (including any required flood plain, wetlands and/or tribal consultation periods), with US EPA EJScreen for “Environmental Justice” being the last of its documentation, it may be signed and dated, with you as the preparer and the Grantee’s Chief Elected Official as the “Responsible Entity Agency Official Signature”. At least one day later, the combined Finding of No Significant Impact/Notice of Intent to Request Release of Funds (FONSI/NOI/RROF), using the attached current HUD-provided sample language, must be published **and disseminated** *or* posted **and disseminated** for your ERR.

“Disseminated” means that on or before the day of the FONSI publication or posting, a copy of the FONSI/NOI/RROF Notice template must be sent to HUD-defined “interested parties” as defined by 24 CFR 58.43. At a minimum, a copy of the FONSI Notice template must be sent to individuals and groups known to be interested in the project’s activities; the local news media; to appropriate tribal, local, State and Federal agencies; to the US EPA Region 5 located at 77 W. Jackson Blvd, Chicago, IL 60604; and to the DCEO CDBG PI Environmental Review Officer (for the State of Illinois, in place of HUD OEE).

Note: Dissemination applies only to the FONSI of the EA, and not to the NOI/RROF; however, the Department assumes that most ERR preparers will combine the FONSI and the NOI/RROF into just one published or posted Notice to save time and expense by having just one combined 15 or 18-day local public comment period, as opposed to separate FONSI and NOI/RROF publications/postings with two separate local public comment periods. A list of the parties, on Grantee letterhead, to which a copy of the FONSI/NOI/RROF was disseminated must be included with the Notice copy and publisher’s certificate or posting confirmation letter included in the completed ERR submitted to DCEO after the end of the local public comment period.

We can attempt to answer questions as to the HUD “interested parties” listed above on a case-by-case basis, but for the Department’s formal ERR guidance purposes, we have paraphrased the exact regulatory language, as that is how HUD provided it to us in their 2017 training. Failure to also disseminate copies of a FONSI Notice to HUD-defined “interested parties” on or before the date of FONSI publication or posting will cause an ERR to be cancelled and returned for a new FONSI publication and dissemination *or* posting and dissemination.

Allow 15 full days of local public comment period if published; 18 full days if posted in at least three prominent public locations in the Grantee community (e.g., If published on 06/01/17, then the 15 full days would end on midnight of the evening of 06/16/17; if posted on 06/01/17, then the 18 full days would end on midnight of the evening of 06/19/17). Note: On the Notice to be published and disseminated or posted and disseminated, the “On or about” date at the start of the 1st paragraph must be that 16th day (or later) following day of publication, or the 19th day (or later) following day of posting, and the “All comments received by date” in the Notice must be the 15th full day of the comment period for publications, or the 18th full day for postings.

At least one day after the expiration of the local public comment period (and corresponding to the “On or about” date of the publication or posting), the Chief Elected Official may sign and date the ***HUD 7015.15*** (i.e., “***Request for Release of Funds***”) form (current version posted on DCEO OCD “Environmental Materials” website only; please pitch previous expired versions) listing only the dollar amounts and activities stated on the EA (i.e. do not mention Activity Delivery activities or costs), and then you may transmit a scanned and e-mailed or mailed (copy) of the entire completed ERR (color version please) to me to begin the State’s 15-day objection period one day after the date of receipt. To clarify, the Chief Elected Official must sign and date the ***HUD 7015.15*** the day of or later than the “On or about” date, as was stated in the published and disseminated *or* posted and disseminated Notice.

**Compliance Documentation (to document 16 Bodies of Federal Environmental Law Required for Categorically Excluded (Subject to 58.5) or Environmental Assessment:**

Prior completed samples and guides are available on the DCEO OCD Environmental Materials website. Please note that some are older and do not yet reflect all recent changes mandated by HUD OEE and will be updated as time allows, and new acceptable Grantee-completed versions are reviewed and approved by the DCEO OCD PI ERO.

Where a sample has a small inset map of Illinois or a portion of the State, please be sure to mark your project’s approximate location on that map, **including mentioning the community’s name**. The key point to remember is all supporting documentation for any HUD level of ERR form must be obtained before that HUD form (i.e., the CEST or EA) can be signed and dated by you as preparer and the Grantee’s chief elected official. The items below now include HUD OEE’s most recent guidance provided during training at HUD Region 5 in Chicago in March 2017. Most of the supporting documentation for the 16 bodies of Federal environmental law, as listed on the ***Compliance Documentation Checklist***, is literal. However, the items below should have some further emphasis to avoid omissions, do-overs, and re-publications of Notices:

1. Airport Hazards - For airport search results for your project area, please feel free to use the airport or airfield search tool of your choosing. Several are located on-line. The goal is to document that your proposed PI project is not in a Runway Clear Zone (RCZ) or a Runway Protection Zone (RPZ) for a civilian airport, or a Clear Zone (CZ) or an Accident Potential Zone (APZ) for a military airfield, and if your PI project is in one, then the *allowable exception* would be that the proposed improvement being constructed or rehabilitated is one that would not be frequently used or occupied by people, and the airport or military has no plans to buy the land on which the project will be or is sited. (e.g., a Grantee’s rural water main extension crossed through a small portion of a small airport’s CZ. Since people usually don’t occupy the pipes used in water mains, that project was an *allowable exception*.)
2. Clean Air Act – (1) You’ll need to obtain an IEPA clearance letter (which is different from any required IEPA construction permits) stating IEPA has no objection to the proposed CDBG PI project. To initiate the IEPA environmental clearance process, please consult the current IEPA Director’s staff contact available on the IL CDBG State Env Agencies link on the DCEO OCD “Environmental Materials” website, using the current form available on that linked document. While stating IEPA has no objections to the proposed project, the clearance letter may also list mandatory or suggested actions the Grantee will need to take during the project. Please make sure their mandates and/or suggestions are followed. (2) In the completed ERR, you’ll also include copies of the current US EPA Illinois (by County by Year) Non-Attainment Status list and National Non-Attainment Status list. (3) If your project is sited in one of the counties or metro areas contained on one of those lists, you’ll also complete and include a HUD Air Quality Worksheet. Generally, for our PI projects, the answer to Worksheet question 1 will almost always be “No”, and you’d then complete the “Worksheet Summary” at the bottom with a brief description of the work to be undertaken, and how it does not facilitate the development of any of the activities listed under question 1.
3. Coastal Zone Management Act - We understand that none of our Illinois CDBG PI projects are in Cook or Lake Counties. Simply confirm that by marking your project’s approximate location on the small Illinois inset map on the IL Coastal Zone Map and sheets that are linked to the DCEO OCD “Environmental Materials” website.
4. Contamination and Toxic Substances – You must research your project’s area on US EPA Envirofacts (https://enviro.epa.gov/) and print and attach the search results (Same as with Explosive and Flammable Hazards below).
5. Endangered Species – (1) IDNR EcoCAT Reviews for Endangered Species must be released from Consultation, and not just “for information only”. They must include copies of both the EcoCAT sheet and any separate IDNR release letter for *each* affected IDNR “Project Number” covering your project’s area(s). If IDNR requires a mitigation for Endangered Species before they’ll release, then that must be completed before you publish or post or submit your ERR to DCEO for review. If the required mitigation is an Incidental Take Authorization (ITA), then then the ITA must be fully approved by IDNR, which can take several months and may cost thousands of dollars. The costs of such mitigations may eventually be paid out of Grant or “Other”-funded construction funds, as they are a condition of construction, but the Grantee will have to pay them with their own funds and wait for reimbursement from Grant or “Other” funds once the environmental release is in place and the Grant Agreement is executed.

(2) Since State CDBG is Federally-funded, you must also research your project’s potential impact on Federally-listed Endangered Species for the project’s count(ies). (a) If project is limited to renovation or rehabilitation of an existing structure (incl. equipment contained in it), then on the CEST or EA, you can state that the project would have “No effect on Federally listed species”, and state the nature of your project; (b) If your project involves construction activities outside of an existing structure or its internal equipment, then you need to obtain a list of Federal threatened and endangered species from the United States Fish and Wildlife Service (USF&WS) (<https://www.fws.gov/program/endangered-species>) for your project’s count(ies). If no species or critical habitat is listed for that county, then on the CEST or EA, you can state that the project would have “No effect on Federally listed species, because no species were listed for that county”, and you would print and attach that search result in the supporting documentation; (c) If the project county’s search lists species for which there is no suitable habitat in the project area (e.g., clam or fish species when your project only involves construction on land), then you may state “No effect on specify the species, because there is no suitable habitat for it in the project area”; (d) If a species listed for the project’s count(ies) has the potential to be adversely impacted by your project (e.g., some county lists show 2 to 3 species of endangered bats, which could be adversely impacted if tree-cutting is required for say, a rural water line extension), then HUD states you: (i) should have a study conducted by a qualified professional to determine the effects of the project on each species and/or critical habitat; (ii) contact a USF&WS expert for assistance, and (iii) prepare a biological assessment, with the possible outcomes of findings being either “Is not likely to adversely affect” or “Is likely to adversely affect” those Federally protected species or critical habitats; (e) If the Grantee determines “Is not likely to adversely affect” for a species or habitat, then the USF&WS must concur, and you’ll need to include proof in your ERR’s supporting documentation; (f) If the Grantee determines “Is likely to adversely affect” for a species or habitat, including if an incidental take is anticipated, then the Grantee must initiate a formal Section 7 consultation with USF&WS, in which a Biological Assessment/Evaluation is submitted to USF&WS with request for formal consultation. The USF&WS will then issue a Biological Opinion that has up to four possible decisions/conditions; and (g) depending on the specifics of the USF&WS Biological Opinion, the Grantee will conclude the formal consultation process in one of the following ways: (i) adopt reasonable and prudent measures or reasonable and prudent alternatives as recommended by USF&WS; (ii) not undertake project, and let your DCEO PI Grant Manager and DCEO ERO know; (iii) modify proposed action or develop a new alternative and continue formal consultation with USF&WS (again, let DCEO know), and (iv) notify USF&WS (and DCEO) of final decision.

1. Explosive and Flammable Hazards - You must research your project’s area on US EPA Envirofacts (https://enviro.epa.gov/) and print and attach the search results (Same as with Contamination and Toxic Substances above). If the project doesn’t involve a hazardous facility (i.e., one that mainly stores, handles, or processes flammable or combustible chemicals, such as a bulk storage facility or a refinery) and the project won’t increase residential densities or conversion, then that combined fact must be stated on the CEST’s or EA’s “Compliance determinations” box for “Explosive and Flammable Hazards”.
2. Farmland Protection – Must include a copy of your project’s Illinois Department of Agriculture (IDOA) clearance letter reflecting clearance under the Federal Farmland Protection Policy Act (as well as a completed USDA AD-1006 for any CDBG project’s conversion of farmland), and a copy of the USDA Web Soil Survey (WSS) (<https://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>) search results for your project’s site(s). If no farmland will be converted by the project, then please also state that on the CEST or EA. If questions for IDOA, please contact IDOA using the current information contained on the IL CDBG State Env Agencies link on the DCEO OCD “Environmental Materials” website.
3. Floodplain Management – (1) The FEMA FIRMette must be in color, with the project location clearly marked (please also include a zoomed-in view if any of project location(s) are close to, but not in, a nearby unprotected Flood Plain (FP) <denoted by bluish-greenish dots> and/or a prohibited Floodway (FW) <denoted by diagonal lines>), and transmit to DCEO (e-mailed or mailed) in color as part of the ERR. If your project location is currently FEMA FIRMette unmapped or FEMA has it only available on an older black-and-white “paper” version, then you must still mark your approx. project location(s) on the unmapped or black-and-white “paper” version. (2) If the FIRMette shows either a FP or a FW in any portion of your project’s site(s), then please also complete and include a HUD Floodplain Management (CEST and EA) Worksheet. (3) If any portion of your project’s construction activity is in an unprotected FP, then an 8-step FP Review (incl. both required public comment periods) must be performed prior to you and the chief elected official signing the CEST or EA form, and if the ERR level of review if CEST, it cannot convert to Exempt if an 8-step FP review is required. (4) **If any portion of your project’s construction location(s) are in a prohibited Floodway, then please consult the DCEO CDBG ERO immediately**.
4. Historic Preservation – (1) The State Historic Preservation Office (SHPO) at the Illinois Department of Natural Resources (IDNR) release letter must cover review under Section 106 of the National Historic Preservation Act. If done as “a State review” only, you will be directed back to IDNR-HP to obtain the Federal release, and if it is dated later than the original IDNR-HP “State review” letter, then it would require re-publishing/re-posting and new local/State public comment periods. (2) Tribal Consultation – Please answer the HUD Section 106 Tribal Consultation Checklist as thoroughly as possible and ask the DCEO CDBG PI ERO if questions. Some construction projects (e.g., sewer re-lining, sewer or water main replacements that don’t disturb new ground and/or widen a trench, and construction in or rehab of an existing structure, etc.) won’t have to do a tribal consultation process. **If in doubt, ask!** Make sure: (a) tribal consultation letters are signed and dated on Grantee letterhead by the Grantee’s chief elected official; (b) are addressed by tribe to each HUD-listed tribal Chief or Chairperson (with a cc to any listed THPO or NAGPRA); and (c) you’ve made and included copies of the method of transmission (i.e., stamped envelope, or fax or e-mail confirmation sheets). The 30 full day (for faxed or e-mailed) or 35 full day (if mailed) tribal consultation period must be completed in its entirety before signing the CEST or EA form. Failure to do so will result in re-publishing/re-posting and new local/State public comment periods.

Note: HUD OEE and DCEO OCD PI ERO guidance for consulting with the Osage Nation, if listed for your project’s count(ies) is to only mail the contact listed for that tribe, and not to e-mail that tribe’s contact on initial consultations. If any tribe only has a THPO or NAGPRA listed, and not a tribal Chief or Chairman, then that tribe’s letter should only be addressed to the listed THPO or NAGPRA.

1. Noise Abatement and Control – Only requires a statement on the CEST or EA that “This project does not involve housing construction or rehabilitation.”
2. Sole Source Aquifers (SSA) – (1) Include a US EPA Region 5 Sole Source Aquifers Map (2 different versions <region-wide & Mahomet SSA close-up> are available on the DCEO OCD Environmental Materials website) with your project’s location(s) clearly marked. (2) If any project location is within the Mahomet SSA in Central Illinois, then the Grantee must obtain US EPA Region 5 clearance documentation after you consult with them, and before the CEST or EA may be signed. Note: HUD Region 5 OEE has a joint MOU with their US EPA counterparts in Chicago containing a pre-approved list of types of HUD-funded activities that are exempt from US EPA Region 5 SSA review. If the CDBG PI project’s activities are all covered under that MOU’s list, then please include a copy of the list with the covered activities of the CDBG project highlighted on it in the completed ERR. The MOU is available on the DCEO OCD “Environmental Materials” website.
3. Wetlands Protection – (1) IDNR EcoCAT Reviews for Wetlands must be released from Consultation, and not just “for information only”. They must include copies of both the EcoCAT sheet and any separate IDNR release letter for *each* affected IDNR “Project Number” covering your project’s area(s). If IDNR requires a mitigation for wetlands before they’ll release, then that must be completed before you publish or post or submit your ERR to DCEO for review. The costs of such mitigations may eventually be paid out of Grant or “Other”-funded construction costs, as they are a condition of construction, but the Grantee will have to pay them with their own funds and wait for reimbursement from Grant or “Other” funds once the environmental release is in place and the Grant Agreement is executed. In addition, if IDNR requires formal Wetlands mitigation under the Interagency Wetland Policy Act of 1989 before release from its Consultation, then the Grantee must comply with IDNR’s determination under that Act.

(2) Since State CDBG is Federally-funded, you must also research your project’s potential impact on Federally-listed Wetlands areas by researching your project’s site(s) on the USF&WS “Wetlands Mapper” (<https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>), printing the search results, marking your project’s site(s) on it, and placing it in the CEST or EA supporting documentation. If your project’s construction activity touches, crosses, alters, and/or goes under (or over) wetlands listed on the “Wetlands Mapper” search results, and your project’s activities meet the US Executive Order 11990 definition of “New Construction” (i.e., “draining, dredging, channelizing, filling, diking, impounding and related activities”) then you will need to do an 8-step Wetlands review, including both publications and public comment periods, using the current HUD approved publication formats. Note: A required 8-step Wetlands review may be combined with a required 8-step Flood Plain (FP) review (if applicable).

If the US Army Corps of Engineers (USACOE) becomes interested in the CDBG-funded project and determines a Nationwide Wetlands Permit is required, please advise the DCEO CDBG PI ERO in writing immediately, so they may update DCEO OCD’s ERR Tracking mechanisms to advise the assigned Grants Manager and Program management that there may be a multi-year delay to the CDBG PI project.

1. Wild and Scenic Rivers – Please use the Illinois Wild and Scenic Rivers Map provided on the DCEO OCD “Environmental Materials” website, which only shows the correct Middle Fork of the Vermilion River near Danville, and **not any stretch of the Mississippi River**.
2. Environmental Justice – Only after the firm documentation is in hand for the other 15 bodies of Federal environmental law (incl. any required Flood Plain, Wetlands and/or tribal comment periods), you must research the Grantee’s project location(s) on US EPA EJScreen (<https://www.epa.gov/ejscreen>), and print and include the search results in the CEST or EA’s supporting documentation. Also, since every Illinois CDBG PI is presumed to improve potable water, wastewater, or storm drainage conditions in the funded community, it is truthful to state in the “Compliance determinations” box for “Environmental Justice”: “See attached US EPA EJScreen search results. This \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ public infrastructure project is not anticipated to have an adverse impact on covered populations.”

As to “Environmental Justice” being documented last for a CEST or EA, that is a HUD OEE regulatory requirement that cannot be waived, and if the date of the EJScreen provided is before the date of any other supporting documentation of the CEST or EA or is dated after the signature dates of the CEST or EA, then the ERR will be cancelled and returned for re-documentation on US EPA EJScreen followed by new CEST or EA signatures dates and then any required NOI/RROF or FONSI/NOI/RROF republication or re-posting.

As always, please have patience while we review the completed CDBG PI ERR’s in the order they are received. Depending on peak ERR in-flow, as well as our other required workflows, the State’s environmental release timeline for CDBG PI ERR’s often extends beyond the State’s mandatory 15-day objection period required by Federal law for ERR’s having a HUD 7015.15 RROF, or that are CEST converting to Exempt. In such cases, the DCEO OCD CDBG PI environmental release letter will be backdated to the actual date release would have occurred during a normal processing timeframe.

Once your ERR is complete, (1) If its level of ERR is CEST, and it can convert to Exempt, or is one of the rare construction projects that is simply Exempt under Exemption box “10” (and pre-approved at that level by DCEO’s CDBG PI ERO), you may submit it to the DCEO CDBG PI ERO, preferably scanned and e-mailed, once ready. (2) If the HUD level of review is CEST that doesn’t convert to Exempt, or EA, then you may feel free to publish or post (and disseminate for an EA) your respective Notice when ready, and submit the completed ERR to the DCEO CDBG PI ERO at the end of the local public comment period, after the chief elected official has signed and dated the **HUD 7015.15** **RROF** at least one day later than the last day of the local comment period (i.e., the day of or later than the “On or about” date, as was stated in the published or posted Notice).

**Please bear in mind that with HUD OEE monitoring compliance measures and technical assistance in 2015 and 2016, and HUD OEE ERR training in March 2017, there is the possibility that your ERR may be returned by DCEO’s CDBG PI ERO following our review, for correction and re-publication or re-posting (and re-dissemination for an EA’s FONSI). That may even occur several times, so please be as thorough and accurate as possible when completing your community’s ERR.**

Due to the usual time constraints and staff availability, we will only entertain requests for pre-review of an ERR from preparers who haven’t previously completed a CDBG PI or ED-PI ERR. Those of you who have prepared PI ERR’s for PY’15 or later rounds should have a firm grasp on the amount of time and documentation required before publication or posting and submission.

If you have questions related to preparation of your community’s CDBG PI or ED-PI ERR, please direct them to me at 217-558-4106; or e-mail CEO.ERO@illinois.gov.

Kirk Kumerow, Public Infrastructure Program Manager/Environmental Review Officer, Office of Community Development, State of Illinois Department of Commerce and Economic Opportunity.