from the American Society of Corporate Secretaries, 9 Rockfeller Plaza, New York, N.Y. 10020, to identify the persons or organizations the nominees represent. The shares reported in the name of multiple nominees for individual banks or other investors should be aggregated for the purpose of determining the largest security holders (e.g. thirty for a railroad).

The top security holders should not include the name of Cede & Co., which is the nominee of Depository Trust, a stock exchange device used to facilitate stock transfers. Depository Trust has an obligation to fully inform any issuer of a security of the participants in the depository which hold that security, and the amount of the holdings. Such shares registered in the name of Cede & Co. shall be included in the holdings of the person or organization for whose account they are being held and considered in determining the list of the "largest security holders."

The procedures prescribed in this notice should be incorporated into 1973 annual reports.

Dated: February 14, 1974.

[SEAL] JOHN A. GRADY,
Director, Bureau of Accounts.

[FR Doc.74-4253 Filed 2-21-74;8:45 am]

[Notice No. 28]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 14, 1974. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74390. By order of February 19, 1974, the Motor Carrier Board approved the transfer of Clarance W. Johnson, Doing Business As John Truck Service, Holliday, Mo., of Certificate No. MC-135923 issued June 15, 1972, to Harry C. Johnson, Holliday, Mo., authorizing the transportation of dry fertilizer from East St. Louis and Henry, Ill., and Fort Madison, Iowa, to points in Monroe and Randolph Counties, Mo. Mr. Thomas P. Rose, attorney at law, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101.

No. MC-FC-74960. By order entered February 19, 1974, the Motor Carrier Board approved the transfer to Lehman Bros. Truck Service, Inc., Marissa, Ill., of the operating rights set forth in Certificate No. MC-59486, issued August 12, 1957, to Henry V. Lehman and Arthur R. Lehman, doing business as Lehman Bros. Truck Service, Marissa, Ill., authorizing the transportation of general commodities, with the usual exceptions, between Marissa, Ill., and St. Louis, Mo. over specified routes, serving the intermediate and off-route points of Lenzburg and Darmstadt, Ill., those within three miles of Masissa; those within three miles of Lenzburg; and those in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone; coal and agricultural commodities, from Freeburg, Ill., over specified routes to St. Louis, Mo., serving intermediate and off-route points within five miles of Freeburg, restricted to pick-up only; and general commodities, with the usual exceptions, from St. Louis, Mo., over specified routes, to Freeburg, Ill., serving intermediate and off-route points within five miles of Freeburg, restricted to delivery only. Delmar O. Koebel, 109 West St. Louis Street, Lebanon, Ill. 62254, attorney for applicants.

No. MC-FC-74971. By order of February 19, 1974, the Motor Carrier Board approved the transfer to Midwest Transportation Company, an Iowa corporation, Council Bluffs, Iowa, of the operating rights in Certificates No. MC-134063 (Sub-No. 2) and MC-134063 (Sub-No. 3) issued January 12, 1973 to Frank R. Chullino, doing business as Midwest Transportation Company, Council Bluffs, Iowa, authorizing the transportation of alcoholic beverages, except malt beverages, in containers, from and to specified points and areas in Indiana, Illinois, Kentucky, Ohio, Michigan, Missouri, Nebraska, New York, Pennsylvania, Massachusetts, New Jersey, Maryland and Connecticut. Patrick E. Quinn, 605 South 14th St., Lincoln, Nebr. 68501, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4257 Filed 2-21-74;8:45 am]

[Notice No. 26]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 15, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 71459 (Sub-No. 41 TA), filed February 11, 1974. Applicant: O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Page, Ariz., and Ogden, Utah, serving all intermediate points and serving the off-route points of Wahweap Lodge (near Page) and Fredonia, Ariz.; Browning Arms plantsite (near Mountain Green), Clearfield, Morgan, and Tooele, Utah, and Evanston, Wyo.: From Page over U.S. Highway 89 to junction of Interstate Highway 15 (near Salt Lake City, Utah); thence over Interstate Highway 15 to Ogden, and return over the same route; (2) Between Salina, Utah, and Shiprock, N. Mex., serving all of the intermediate points between Salina, Utah, and Montrose, Colo., including Salina and Montrose and the intermediate points of Dolores and Cortez, Colo., and the off-route points of Dove Creek, Gunnison, and Palisade, Colo.: From Salina over Utah State Highway 4 (Interstate Highway 70) to the junction of U.S. Highway 50; thence over U.S. Highway 50 to the junction of U.S. Highway 550; thence over U.S. Highway 550 to the junction of Colorado State Highway 62; thence over Colorado State Highway 62 to the junction of Colorado State Highway 145; thence over Colorado State Highway 145 to the junction of U.S. Highway 160; thence over U.S. Highway 160 to the junction of U.S. Highway 666; thence over U.S. Highway 666 to Shiprock, N. Mex., and return over the same route.

(3) Between Durango, Colo., and junction U.S. Highways 89 and 160 (near Tuba City, Ariz.), serving all intermediate points, and the off-route points of Bloomfield, N. Mex., and Peabody Mine Sites near Kayenta, Ariz.: From Durango, over U.S. Highway 550 to New

Mexico State Highway 504; thence over New Mexico State Highway 504 to the Arizona-New Mexico State line; thence over unnumbered Arizona State Highway to the junction of U.S. Highway 160; thence over U.S. Highway 160 to the junction of U.S. Highway 89 (near Tuba City, Ariz.), and return over the same route; (4) Between the junction of U.S. Highway 550 and Colorado State Highway 62 and Durango, Colo., serving no intermediate points and serving Durango for the purpose of joinder only as an alternate route for operating convenience only in connection with carrier's regular-route operations: From the junction of U.S. Highway 550 and Colorado State Highway 62, over U.S. Highway 550 to Durango, Colo., and return over the same route; and (5) Between Thistle, Utah, and junction U.S. Highways 6 and 50 with Interstate Highway 70 (near Green River), serving no intermediate points, and serving the junction of U.S. Highways 6 and 50 with Interstate Highway 70 for the purpose of joinder only, as an alternate route for operating convenience only in connection with carrier's regular-route operations: From Thistle over U.S. Highways 6 and 50 to junction Interstate Highway 70, and return over the same route.

NOTE.—Applicant requests the right to serve the commercial zones of all points. Applicant also requests the right to tack the above authority to its existing authorities and to interline with other motor carriers, for 180 days.

SUPPORTING SHIPPERS: There are approximately 147 statements from supporting shippers attached to the application, which may be examined here at the Offices of the Interstate Commerce Commission, or at the field office named below. SEND PROTESTS TO: Gerald E. Blair, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 117613 (Sub-No. 16 TA) (Amendment), filed January 29, 1974, published in the FEDERAL REGISTER issue of February 11, 1974, and republished as amended this issue. Applicant: DONALD M. BOWMAN, JR., Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and materials and supplies* used in the manufacture, packaging and distribution thereof, *tan bark, and marble chips*, from points in Caroline County, Va., to points in Delaware, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, and the District of Columbia, for 180 days.

NOTE.—The purpose of this republication is to indicate applicant's amended commodity description.

SUPPORTING SHIPPER: William C. Eckardt, Jr., General Manager, Homcrete Division, G. & W. H. Corson, Inc., Plymouth Meeting, Pa. 19462. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 118159 (Sub-No. 138 TA), filed February 7, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Hyplains Dressed Beef, Dodge City, Kans., to points in Atlanta, Tucker, Augusta, Fort Gordon, and Albany, Ga.; Kinston and Salem, N.C.; Columbia, S.C.; and Bristol, Va., for 180 days. SUPPORTING SHIPPER: Hyplains Dressed Beef, Inc., James Mitchell, Traffic Manager, P.O. Box 539, Fort Dodge Road, Dodge City, Kans. 67801. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 119908 (Sub-No. 23 TA), filed February 1, 1974. Applicant: WESTERN LINES, INC., 3523 N. McCarty, P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Paul E. Robertson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Port Bienville (located near Pearlington, Miss., in Hancock County), to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Tennessee, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPERS: Port Bienville Terminals, Inc., Port Bienville, Miss., P.O. Box 128, Pearlington, Miss. 39572; Steel, Inc., 1500 Lafayette St., Suite 117, Gretna, La. 70053. SEND PROTESTS TO: District Supervisor John Mensing, Bureau of Operations, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk Avenue, Houston, Tex. 77002.

No. MC 126243 (Sub-No. 11 TA), filed February 5, 1974. Applicant: ROBERTS TRUCKING CO., INC., Hwy. 271 South, P.O. Drawer "G", Poteau, Okla. 74953. Applicant's representative: Wilburn Williamson, Suite 280, 3535 NW. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex, liquid foam rubber*, in bulk, in shipper-owned tank trailers, between Poteau, Okla.; Dalton, Ga.; Cattanooga, Tenn.; Lake Charles, La.; Lewisville, Ark.; Monticello, Hope, Ark.; Lincoln, Nebr.; Des Moines, Iowa; Hillsboro, Marlin, and Texas City, Tex.; Wilburton, Davis, Pawhuska, Miami, Hugo, and Bristow, Okla., for 180 days. SUPPORTING SHIPPER: Textile Rubber & Chemical Co., Route 1, Dalton, Ga. 30720. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 126305 (Sub-No. 57 TA), filed February 4, 1974. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal pellets, wood chips, vermiculite, lighter fluid, fireplace logs, and materials, equipment and supplies used or useful in the manufacture and sale thereof*, except commodities in bulk, between the facilities of Kingsford Company located in Pulaski County, Ky., Houston County, Ala., and Tucker County, W. Va., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Kingsford Company, 940 Commonwealth Building, Louisville, Ky. 40201. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 212 Building, Birmingham, Ala. 35203.

No. MC 128515 (Sub-No. 4 TA), filed February 6, 1974. Applicant: PAUL'S HAULING, LTD., 272 Oak Point Rd., Winnipeg, Manitoba, Canada R3E 1T0. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from the ports of entry on the United States-Canada Boundary Line in Montana, North Dakota, and Minnesota, to points in Montana, North Dakota, South Dakota, Minnesota, and Wisconsin, for 180 days. Supporting shippers: Oskey Gasoline & Oil Co., Inc., 2950 Metro Drive, Minneapolis, Minn.; and Twin City Barge & Towing Company, 1303 Red Rock Road, P.O. Box 3032, St. Paul, Minn. 55165. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 128988 (Sub-No. 44TA), filed February 1, 1974. Applicant: JO/KEL, INC., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Marine, industrial, and commercial gears, condensers, turbines, and related parts and accessories*, from the facilities of Westinghouse Electric Corporation at or near Sunnyvale, Calif., to Pascagoula, Miss., Irwin, Pa., and Greensboro, N.C. Restriction: Restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. Supporting shipper: Westinghouse Electric Corporation, Corporate Transportation, RD #5, Leger Road, Irwin, Pa. 15642. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 139338 (Sub-No. 1 TA), filed February 4, 1974. Applicant: KENNETH DEEM, Route 1, Broseley, Mo. 63932. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Pulpwood*, from Doniphan, Mo., East of Highway 162 to Highway 160 E. to Highway 67N, to Poplar Bluff, Mo., East on Highway 60 to Wickliff, Ky., south on Highway 62 three miles, for 180 days. Supporting shipper: Holland Stave Company, Doniphan, Mo. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 139481 (Sub-No. 1TA), filed February 6, 1974. Applicant: CARLTON TRUCKING, INC., 4588 State Route 82, Mantua, Ohio 44255. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, fittings therefor, and materials and supplies* used in the installation thereof, from the plantsite of Carlon Products Corporation at Mantua Township (Portage County), Ohio to points in Michigan and points in Indiana on and north of Interstate Highway 70, for 180 days. Supporting shipper: Carlon Products Corporation, P.O. Box 133, Aurora, Ohio 44202. Send protests to: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-4254 Filed 2-21-74;8:45 am]

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federal register

FRIDAY, FEBRUARY 22, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 37

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Effluent Limitations Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 424—FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Subpart A—Open Electric Furnaces With Wet Air Pollution Control Devices Subcategory

Subpart B—Covered Electric Furnaces and Other Smelting Operations With Wet Air Pollution Control Devices Subcategory

Subpart C—Slag Processing Subcategory

On October 18, 1973 notice was published in the FEDERAL REGISTER, (38 FR 29008), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory of the ferroalloy manufacturing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the ferroalloy manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 424. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which also appears in Part II of today's FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307 (b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory. In addition, the regulations as proposed were supported by two other documents; (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Smelting and Slag Processing Segments of the Ferroalloy Manufacturing Point Source Category" (August 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, The Ferroalloys Industry" (August, 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows in this document.

It should be noted that the production of calcium carbide (although similar to that for ferroalloys and often conducted in the same plants) is not included in these regulations for ferroalloys. Calcium carbide is included in the regulations to be promulgated under Part 415, Inorganic Chemicals Manufacturing Industry.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: Union Carbide Corporation; Airco, Inc.; Ohio Ferro-Alloy Corporation; Foote Mineral Company; The Ferroalloys Association; Chromium Mining and Smelting Corporation; Aronetics, Inc.; Colorado Department of Public Health; United States Water Resources Council; U.S. Atomic Energy Commission; U.S. Department of the Interior; U.S. Department of Commerce and U.S. Department of Health, Education, and Welfare.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

(1) The commentors noted that the treatment system for scrubber wastewater was not demonstrated in its entirety in any one plant, and that therefore one cannot assign costs to it. Additionally, the comment was made that the concentrations upon which the proposed guidelines were based were lower than those found in the plants observed during the survey.

Although the treatment systems proposed for best practicable control technology currently available, best available technology economically achievable and new sources is not presently in use in any one plant, the various modules of which they are comprised are in use in this industry, or in similar industries. As the industry's trade association pointed out in its comments, "[l]ittle information is available on water pollution from ferroalloy plants and on treatment of waste water from them * * *. Minimal effort has been directed toward * * * perfecting control technology for those pollutants that are generated." Because of this background (or lack thereof), it was necessary to synthesize a treatment system which would work for this industry, from technologies utilized in this and similar industries. Because the treatment modules are in use, a cost estimate can be made for the total system which is reasonably accurate. Additionally, in the Development Document, examples of such modules or systems in similar industries are discussed in further detail than previously.

Definition of what constitutes "best practicable" technology for many industries involves, at first, a general review of the industry to determine the best technologies being practiced in the industry. Then, after closer review and investigation of these technologies, the "best practicable" technology would be assessed as the average of the best, though not necessarily the best technology, after taking into account information relating to other factors spelled out in the Act. In those industries where present treatment is uniformly inadequate, a higher degree of treatment than is presently practiced may be required, based on a comparison with existing treatments for similar wastes in other industries. Factors for determining the "best available" technology are similar, except that rather than assessing the average of the best, the focus would be on the very best technology currently in use or demonstrably achievable.

Under this analysis of the statutory standard, it is the opinion of the Agency that it is not necessary that "best practicable" technology be currently in use as a single treatment. As applied to the ferroally industry, the methodology employed resulted in sufficient data to support the resulting limitations, and is completely consistent with the statutory requirements.

(2) The relationship between the 30 day average limitations and the 24 hour maximum limitations was questioned.

The 30 day average limitations are by no means the absolute lowest values attainable by the indicated technology, but represent values which can be readily controlled around on a day to day basis. The 24 hour maximum limitation was established so as not to exceed these 30 day values by more than a factor of two. In the absence of sufficient performance data from the industry to establish a factor between the two limitations on a statistical basis, a factor of two was chosen after taking into consideration the operational variability involved. This factor of two is considered to be generous.

(3) It was remarked that some plants might be forced to lower their production rates, since recirculated non-contact-cooling water would be of higher temperature than once-through. It was also remarked that data to permit determination of heat content (as described in the proposed regulation) was not obtained during plant sampling.

In the interests of uniformity with the guidelines for other industries, no regulation for the control of non-contact cooling water will be promulgated at this time. However, non-contact cooling water for all industries will be studied in the future and standards for non-contact cooling water will then be established.

(4) The costs of treatment and facilities were thought by some commentors to be low, particularly when a plant might have to retrofit such facilities. They were also thought to be low because the costs might be "book value", or a percentage of the total facility, rather than actual costs. It was also noted that the costs are not those which would actually be incurred by a plant presently requiring such installations, since the costs are given in August, 1971 dollars. It was also thought that the costs did not include land costs.

The costs as given are generous estimates of those which may be incurred. Costs such as those for demolition, etc., which might be necessary for installation of treatment in an existing plant, were not included, since those costs would be highly variable from plant to plant. Also highly variable will be the cost of land. However, it is believed that none of the seven plants in the industry which were visited and which utilized wet air pollution control systems will be forced to purchase land for water pollution control purposes. Because of the variability in cost and the belief that no plant in the industry will be required to purchase such land, this cost was not included. Inflation, has of course, affected the actual costs, so that such a system if actually built now would be somewhat more expensive than if built in August 1971.

(5) Some commentors objected to the use of limitations on a gross, rather than net basis. It was remarked, for example, that the amounts to be removed and the cost of removal are dependent upon the intake levels, that discharge levels could not be met because of the intake levels, etc.

If not otherwise specified, the effluent limitation numbers in this regulation will be applied as absolute discharge limitations. The use of such absolute limitations is generally appropriate since the concentration of a pollutant remaining after the application of a given treatment technology is relatively independent of minor variations in the pollutant concentration in the waste or the source of the pollutant. EPA intends to amend the NPDES regulations to take into account, when appropriate, pollutants already existing in the stream, so that in certain cases an effluent limitation may be adjusted to take into account pollutants entering with a discharger's supply providing the water is withdrawn from the same source into which it is discharged. If the source is other than the receiving waterbody, the effluent standards will be applied as absolute limitations without adjustment.

(6) It was remarked that ranges of numbers (i.e., limitations) are needed for flexibility in writing the permit, so that variations in age, size, location, etc., may receive allowances. It was also noted that the location (climate) of a plant could have an effect on the wastewater treatment system's performance.

Range is provided for, as are the other factors, by the breaking up of the industry into subcategories with different effluent limitations. The factor of size has been taken into account when writing the permit on a production basis. Additionally, the factor of location (climate) can be rectified when designing the treatment system. A special provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added, to account for special circumstances applicable to individual dischargers that may not have been adequately taken into account when the regulations were developed.

(7) Some commentors felt that the data base was insufficient for the promulgation of guidelines and that not enough time was covered to be truly representative of year-round operating conditions.

Within the required time constraints for the collection of data, it was impossible to expand the sampling and analytical work to cover more plants, or even to collect more samples from the same plants. However, it is felt that the overall type sampling performed provides a good representation of wastewaters and that this data, together with the contractor's many years of experience in water and waste treatment in similar industries, provides an adequate basis for the regulation. The only water usage at the vast majority of plants in the ferroalloys industry is for non-contact cooling. Only one third of the electric furnaces in the industry use wet air pollution control methods. The economic impact study noted that nine plants (out of 22) use wet methods. Of these nine, six (or 2/3rds) were visited, and five sampled—a rather high level of coverage. The data thus obtained is the best available from any source at this time.

(8) Some comments were received regarding the testing methods and procedures followed.

The analytical methods used for measuring the pollutants in the various samples are now reported in the Development Document. As to any inaccuracy in the flow measurements, these measurements were the best which could be obtained during the sampling program.

(9) Many commentors objected, some very strenuously, to the requirement of zero discharge of pollutants for new sources of open electric furnaces, to be achieved by the use of dry, rather than wet, dust collection systems. The point was raised that it was "unreasonably restrictive for the Environmental Protection Agency to specify a particular type of emission control equipment * * *."

The proposed guidelines and standards have been rewritten to permit a discharge. The reason for this is that flexibility in selecting air pollution control equipment is believed to be necessary, and application of the best practicable and best available technologies to wet scrubber emission control systems will not effect a zero discharge.

(10) It was remarked that the cost of water pollution cleanup may cause the premature phasing-out of older, smaller units, and that the combined economic impact of air and water pollution control would be very large, and that this impact would be borne by the plants without [air and water pollution control] equipment.

The economic impact study indicates that no plant closings will be caused by the cost of waste water treatment. Since no plants will close, any smaller older furnaces prematurely phased out will be replaced by the more profitable larger furnaces. This has been general practice in the industry in the past few years. The combined cost of air and water pollution control could be large, particularly for those plants not presently controlling their air emissions. However, most or all of these plants utilize open furnaces, and will almost certainly install baghouses for air pollution control because of the present cost favorability. The eight plants which are reported in the economic impact study as being the most impacted by the water pollution control regulations are those which have already taken a responsible attitude toward air pollution by installing control devices. They would thus not incur costs for air pollution control systems.

(11) Some commentors felt that the standards were more restrictive (for 1977 and 1983) for open furnaces than for covered furnaces.

The standards are based upon water usage (per Mwh) and concentrations. Although the water usage for scrubbers cleaning gases from open furnaces was expected to be higher than for covered furnaces (since scrubber water usage is generally a function of gas volume and open furnaces may emit up to 50 times more gas than do covered furnaces), the water use was found to be slightly less during the sampling survey. Very few open furnaces utilizing wet air pollution control systems were found, compared to the number of such systems on covered furnaces. Most open furnaces were either uncontrolled or used baghouses. It was not thought to be reasonable to base the limitation on the water usage at plants using electrostatic precipitators or steam/hot water scrubbers, since the water usage of these systems is very much less than those of venturi scrubbers. Since the field data indicates that water usage on open furnace scrubbers is less than for covered furnace scrubbers, a more restrictive standard is justified.

(12) It was pointed out that the blowdown from a slag concentrator at plant F (which was originally reported to flow to a closed lagoon) flows to a cinder dump. On this basis, it was suggested that the limitation of zero discharge for 1983 and new sources is not applicable.

Although the plant in question states that there is no discharge from the slag concentration operation after the blowdown reaches the cinder dump, a reexamination of the facts in this case leads us to believe that zero discharge for this category may not be uniformly achieveable. Therefore, the limitations for this category have been changed to allow for discharge of blowdown from slag processing operations after treatment.

(13) One commentor expressed concern that "disruptions or losses in U.S. productive capacity will increase our reliance on imports and adversely affect our international balance of payments."

Two factors are expected to be the major determinants of future ferroalloy imports versus the amount processed domestically from foreign ores. First, the U.S. depends almost entirely upon imported ores (chrome, nickel, manganese, tungsten, etc.) to produce ferroalloys. The countries exporting these ores are beginning to develop ferroalloy processing capabilities. Once they have developed sufficient capacity, it is likely that they will attempt to shift the U.S. purchases from ores to ferroalloys. Second, the world wide demand for ferroalloys based on sustained high levels of steel production may affect the foreign ferroalloys supply that has traditionally constituted a significant portion of our consumption.

In summary, the effects of pollution control costs upon foreign trade are expected to be insignificant in the context of the more fundamental changes expected in the world wide ferroalloys supply/demand situation.

(14) The comment was made that "conclusions based on average figures will understate the economic impact on smaller plants since the analysis is heavily weighted toward the assessment of impact on large plants." It was also questioned whether the eight plants that must install effluent controls by 1977 were small plants and whether those eight plants would be able to pass on the costs through price increases.

The contractor analyzed the incremental costs for various size plants and found the costs to be directly (linearly) related to production capacity over a broad range of furnace and/or plant size. Thus, the impact on profitability is unrelated to company size, and it cannot be construed that smaller firms will be more adversely affected than larger firms. Half of the plants requiring effluent control investments by 1977 are owned by one firm. Since the combined output from those plants represent one third of the U.S. production, it is reasonable to assume that it is in a position to be a leader in price increases.

(15) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a significantly different approach be taken in the development of effluent guidelines.

The committee's proposal is under evaluation as a contribution toward future refinements on guidelines for some industries. The Committee has indicated that its proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(b) *Revision of the proposed regulation prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) In the interests of uniformity with the other industry guidelines, the noncontact cooling water subcategory of this industry has been eliminated. Standards for noncontact cooling water for all industries will be promulgated in the future.

(2) Orthophosphate has been deleted as a pollutant parameter for the open electric furnaces with wet air pollution control devices subcategory (Subpart A) and the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory (Subpart B). Phenols have been deleted as a pollutant parameter from Subpart A, and oil has been deleted as a pollutant parameter from all subcategories. These changes result from a reexamination of the raw data collected by the Agency's contractor and consideration of the costs of monitoring.

(3) A discharge from new open electric furnaces is now allowed. The reason for this is that flexibility in selecting air pollution control equipment is believed to be necessary, and application of the best practicable and best available technologies to wet scrubber emission control systems will not effect a zero discharge. This also allows plants to select air pollution control systems which are the most efficient and economic for that particular plant.

(4) Discharge of blowdown from slag processing operations (for 1983 and new sources) is now permitted. This results from an evaluation of data submitted by industry and a closer look at the data collected by the Agency's contractor.

(5) The standards for hexavalent chromium in Subpart A and B have been increased after consideration of the sensitivity of the analytical method.

(6) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The above listed changes will not significantly affect the conclusions of the economic study of the proposed regulations. The change in the standard for hexavalent chromium and the deletion of some parameters should not affect the cost of the treatment system. Dropping of the noncontact cooling water segment of this industry from the present promulgation will result in a reduction of investment costs of at least $1.2 million dollars for 1977 and 1983. This represents about 8 percent of the total calculated investment for the entire industry. While this "savings" has a slight effect on the economic impact from this regulation, it should be kept in mind that noncontact cooling water will be regulated in the future, and some additional investment may be necessary. Allowing for discharge of blowdown from slag processing operations should also result in very minor savings.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the smelting and slag processing segments of the ferroalloy manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Smelting and Slag Processing Segments of the Ferroally Manufacturing Point Source Category" (February, 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines, The Ferroalloys Industry" (August, 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the ferroalloys industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Smelting and Slag Processing Segments of the Ferroalloy Manufacturing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C., 20401 for a nominal fee.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 424, Ferroalloy Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 23, 1974.

Dated: February 8, 1974.

RUSSELL E. TRAIN,
Administrator.

PART 424—FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Subpart A—Open Electric Furnaces With Wet Air Pollution Control Devices Subcategory

Subpart B—Covered Electric Furnaces and Other Smelting Operations With Wet Air Pollution Control Devices Subcategory

Subpart C—Slag Processing Subcategory

Subpart A—Open Electric Furnaces With Wet Air Pollution Control Devices Subcategory

§ 424.10 Applicability; description of the open electric furnaces with wet air pollution control devices subcategory.

The provisions of this subpart are applicable to discharges resulting from the smelting of ferroalloys in open electric furnaces with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration that the furnace off-gases are burned above the furnace charge level by air drawn into the system. After combustion the gases are cleaned in a wet air pollution control device, such as a scrubber, an electrostatic precipitator with water or other aqueous sprays, etc. The provisions of this subpart are not applicable to noncontact cooling water or to those electric furnaces which are covered, closed, sealed, or semi-covered and in which the furnace off-gases are not burned prior to collection (regulated in Subpart B).

§ 424.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "Mwh" shall mean megawatt hour(s) of electrical energy consumed in the smelting process (furnace power consumption).

§ 424.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS	0.319	0.160
Chromium total	.006	.0032
Chromium VI	.0006	.0003
Manganese total	.064	.032
pH	Within the range 6.0 to 9.0	
	English units lb/Mwh	
TSS	0.703	0.352
Chromium total	.014	.007
Chromium VI	.0014	.0007
Manganese total	.141	.070
pH	Within the range 6.0 to 9.0	

§ 424.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS	0.024	0.012
Chromium total	.0008	.0004
Chromium VI	.00008	.00004
Manganese total	.008	.0039
pH	Within the range 6.0 to 9.0	
	English units lb/Mwh	
TSS	0.052	0.026
Chromium total	.0017	.0009
Chromium VI	.0002	.0001
Manganese total	.017	.0086
pH	Within the range 6.0 to 9.0	

§ 424.14 [Reserved]

§ 424.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS	0.024	0.012
Chromium total	.0008	.0004
Chromium VI	.00008	.00004
Manganese total	.008	.0039
pH	Within the range 6.0 to 9.0	
	English units lb/Mwh	
TSS	0.052	0.026
Chromium total	.0017	.0009
Chromium VI	.0002	.0001
Manganese total	.017	.0086
pH	Within the range 6.0 to 9.0	

§ 424.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the open electric furnaces with wet air pollution control devices subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 424.15; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Covered Electric Furnaces and Other Smelting Operations With Wet Air Pollution Control Devices Subcategory

§ 424.20 Applicability; description of the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory.

The provisions of this subpart are applicable to discharges resulting from the smelting of ferroalloys in covered electric furnaces or other smelting operations, not elsewhere included in this part, with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration (known as covered, closed, sealed, semi-covered or semi-closed furnaces) that the furnace off-gases are not burned prior to collection and cleaning, and which off-gases are cleaned after collection in a wet air pollution control device such as a scrubber, 'wet' baghouse, etc. This subcategory also includes those nonelectric furnace smelting operations, such as exothermic (i.e., aluminothermic or silicothermic) smelting, ferromanganese refining, etc., where these are controlled for air pollution by wet air pollution control devices. This subcategory does not include noncontact cooling water or those furnaces which utilize dry dust collection techniques, such as dry baghouses.

§ 424.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "Mwh" shall mean megawatt hour(s) of electrical energy consumed in the smelting process (furnace power consumption).

§ 424.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS	0.419	0.209
Chromium total	.008	.004
Chromium VI	.0008	.0004
Manganese total	.084	.042
Cyanide total	.004	.002
Phenols	.006	.004
pH	Within the range 6.0 to 9.0	
	English units lb/Mwh	
TSS	0.922	0.461
Chromium total	.018	.009
Chromium VI	.0018	.0009
Manganese total	.184	.092
Cyanide total	.009	.005
Phenols	.013	.009
pH	Within the range 6.0 to 9.0	

Provided, however, That for nonelectric furnace smelting processes, the units of the effluent limitations set forth in this section shall be read as "kg/kkg of product (lb/ton of products", rather than "kg/Mwh (lb/Mwh)", and the limitations (except for pH) shall be three (3) times those listed in the table in this section.

§ 424.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS	0.032	0.016
Chromium total	.001	.0005
Chromium VI	.0001	.00005
Manganese total	.011	.005
Cyanide total	.0005	.0003
Phenols	.0004	.0002
pH	Within the range 6.0 to 9.0	
	English units lb/Mwh	
TSS	0.071	0.035
Chromium total	.002	.0012
Chromium VI	.0002	.0001
Manganese total	.023	.012
Cyanide total	.001	.0006
Phenols	.0009	.0005
pH	Within the range 6.0 to 9.0	

Provided, however, That for nonelectric furnace smelting processes, the units of the effluent limitations set forth in this section shall be read as "kg/kkg of product (lb/ton of product)", rather than "kg/Mwh (lb/Mwh)", and the limitations (except for pH) shall be three (3) times those listed in the table in this section.

§ 424.24 [Reserved]

§ 424.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS	0.032	0.016
Chromium total	.001	.0005
Chromium VI	.0001	.00005
Manganese total	.011	.005
Cyanide total	.0005	.0003
Phenols	.0004	.0002
pH	Within the range 6.0 to 9.0	
	English units lb/Mwh	
TSS	0.071	0.035
Chromium total	.002	.0012
Chromium VI	.0002	.0001
Manganese total	.023	.012
Cyanide total	.001	.0006
Phenols	.0009	.0005
pH	Within the range 6.0 to 9.0	

Provided, however, That for nonelectric furnace smelting processes, the units of the effluent limitations set forth in this section shall be read as "kg/kkg of product (lb/ton of product)", rather than "kg/Mwh (lb/Mwh)", and the limitations (except for pH) shall be three (3) times those listed in the table in this section.

§ 424.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter, shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 424.25; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Slag Processing Subcategory

§ 424.30 Applicability; description of the slag processing subcategory.

The provisions of this subpart are applicable to discharges resulting from slag processing, wherein (1) the residual metallic values in the furnace slag are recovered via concentration for return to the furnace, or (2) the slag is "shotted" for other further use.

§ 424.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 424.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/kkg processed	
TSS	2.659	1.330
Chromium total	.053	.026
Manganese total	.532	.266
pH	Within the range 6.0 to 9.0	
	English units lb/ton processed	
TSS	5.319	2.659
Chromium total	.106	.053
Manganese total	1.064	.532
pH	Within the range 6.0 to 9.0	

§ 424.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kq/kkq processed	
TSS	0.271	0.136
Chromium total	.0054	.0027
Manganese total	.054	.027
pH	Within the range 6.0 to 9.0	
	English units lb/ton processed	
TSS	0.542	0.271
Chromium total	.011	.0054
Manganese total	.108	.054
pH	Within the range 6.0 to 9.0	

§ 424.34 [Reserved]

§ 424.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/kkg processed	
TSS	0.271	0.136
Chromium total	.0054	.0027
Manganese total	.054	.027
pH	Within the range 6.0 to 9.0	
	English units lb/ton processed	
TSS	0.542	0.271
Chromium total	.011	.0054
Manganese total	.108	.054
pH	Within the range 6.0 to 9.0	

§ 424.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the slag processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter, shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 424.35; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.74-3718 Filed 2-21-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 424]

FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Pretreatment Standards for Incompatible Pollutants; Notice of Proposed Rulemaking

Notice is hereby given pursuant to sections 301, 304, and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); (33 U.S.C. 1251, 1311, 1314, and 1317(b)); 86 Stat. 816 et seq.; Pub. L. 92–500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 424—Ferroalloy Manufacturing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory of the ferroalloy manufacturing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 424) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants.) Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

> In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act: *Provided*, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant: *And provided further*, That when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is appropriate to support the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 424.15, 424.25, and 424.35 of the proposed regulation for point sources within the open electric furnaces with wet air pollution control devices subcategory, with covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory (October 18, 1973; 38 FR 29008), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 424.16, 424.26, and 424.36 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Liimtations Guidelines and New Source Performance Standards for the Smelting and Slag Processing Segments of the Ferroalloy Manufacturing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, The Ferroalloys Industry" (August, 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of ferroalloys, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of ferroalloys. The two reports exceed, in the aggregate, 200 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the ferroalloy manufacturing category (38 FR 29008; October 18, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 424) which currently is also being published in Part II of today's FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document, the process waste waters from the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory contain high concentrations of chromium (total and hexavalent) and manganese which could interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. In the opinion of the EPA, these process waste waters should be treated to the level required by the application of the best practicable control technology currently available before discharge of these materials to publicly owned treatment works.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304, and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 424 be amended to add §§ 424.14, 424.24, and 424.34. All comments received by March 25, 1974, will be considered.

Dated: February 8, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 424 of 40 CFR is proposed to be amended by adding §§ 424.14, 424.24, and 424.34 as follows:

§ 424.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under Part 128.133 of this chapter, the effluent limitations guidelines set forth in § 424.12 shall apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 424.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 424.22 shall apply and, subject to the provisions of Part 128 of this chapter, concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 424.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 424.32 above shall apply and, subject to the provisions of Part 128 of this chapter, concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

PROTECTION AND ENFORCEMENT OF ENVIRONMENTAL QUALITY

Policies, Procedures, and Responsibilities

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 50]

[Docket No. R–74–253]

PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Proposed Departmental Policies, Responsibilities, and Procedures

Notice is hereby given that pursuant to guidelines of the Council on Environmental Quality ("CEQ") published in the FEDERAL REGISTER of August 1, 1973 (38 FR 20550), the Department of Housing and Urban Development ("HUD") herewith publishes its proposed regulations concerning the implementation of the National Environmental Policy Act of 1969 "NEPA") (Pub. L. 91–190, 42 U.S.C. 4321 et seq.).

On July 18, 1973 (38 FR 19182) the Department published its procedures for implementation of NEPA in the form of HUD Handbook 1390.1, "Departmental Policies, Responsibilities and Procedures for Protection and Enhancement of Environmental Quality." The Department is now codifying regulations as 24 CFR Part 50 and at the same time revising HUD Handbook 1390.1 to incorporate the changes proposed by these regulations.

In addition to the changes required by the CEQ guidelines, HUD is making minor revisions to its procedures in order to facilitate and promote the Department's implementation of NEPA.

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or statements. Comments should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. All relevant material received on or before April 8, 1974, will be considered before adoption of final rules. Copies of comments submitted will be available for examination during business hours at the above address.

Issued at Washington, D.C., February 12, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

PART 50—DEPARTMENTAL POLICIES, RESPONSIBILITIES AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart A—General Policy and Responsibilities

§ 50.1 Purpose and authority.

(a) The National Environmental Policy Act of 1969 (Pub. L. 91–190, 42 U.S.C. 4321 et seq.) (hereinafter "NEPA") establishes national policy, goals and procedures for protecting and enhancing environmental quality and directs the Federal Government to use all practicable means, including financial and technical assistance, to implement the national policy. NEPA, as implemented by Executive Order 11514 and the Guidelines of the Council on Environmental Quality, 40 CFR Part 1500, requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

(b) The purpose of these regulations is to set forth departmental environmental policy, to assign responsibilities, and to provide procedural guidance to all headquarters and field offices for environmental clearances under NEPA. These regulations apply to HUD legislative proposals, policy and guidance documents, and individual project approval actions on insurance, loans and grants, subsidies, and demonstration projects.

§ 50.3 Terminology.

For the purposes of this part, the following terms shall apply:

(a) *Environment.* Environment is not defined in NEPA or in the CEQ Guidelines. However, it is clear from section 102 of NEPA and elsewhere that the term is meant to be interpreted broadly to include physical, social, cultural, and aesthetic dimensions. Examples of environmental considerations are: Air and water quality, erosion control, natural hazards, land use planning, site selection and design, subdivision development, conservation of flora and fauna, urban congestion, overcrowding, displacement, and relocation resulting from public or private action or natural disaster, noise pollution, urban blight, code violations, and building abandonment, urban sprawl, urban growth policy, preservation of cultural resources, including properties on the National Register of Historic Places, urban design and the quality of the built environment, the impact of the environment on people and their activities.

(b) *Major Federal actions significantly affecting the quality of the human environment.* Those actions taken by a Federal agency which require Environmental Impact Statements in accordance with section 102(2)(C) of NEPA. As HUD processes between 15,000 and 20,000 applications per year at the project level, not including insurance actions on individual houses, the three-level environmental clearance process defined in this part shall be used to determine which action is a major Federal action significantly affecting the quality of the human environment.

(c) *Significant environmental impact.* For the purpose of this part, the term "significant environmental impact" is used to describe the consequences of an action significantly affecting the quality of the human environment. This term is defined to some extent in 40 CFR 1500.6 of the CEQ Guidelines, but the definition in general is a matter of discretion delegated to agency heads for formulation of guidelines subject to the approval of CEQ.

(d) *Environmental impact.* An environmental impact is any alteration of environmental conditions or creation of a new set of environmental conditions, adverse or beneficial, caused or induced by the action or set of actions under consideration. Assessment of the significance of the environmental impact generally involves two major elements: A quantitative measure of magnitude and a qualitative measure of importance. Such a determination is a matter of judgment and consensus; at the project level, this judgment shall be governed by HUD environmental policies and standards.

(e) *HUD environmental policies and standards.* National, Departmental, and program objectives, policies, standards, and procedures. These include: (1) National environmental goals and policies as expressed in NEPA, other statutes and Executive Orders, and guidelines issued by the Council on Environmental Quality; (2) Department-wide standards and policies such as HUD Circular 1390.2; and (3) Environmental considerations contained in program policy and guidance documents, including environment-related project selection criteria, minimum property standards, and environmental elements of program circulars, handbooks and other issuances.

(f) *Major amendatory.* For the purposes of this part, significant change in the nature, magnitude or extent of the action from that which was originally evaluated and which may have a significant effect on the quality of the human environment, such as an environmentally significant change in location or site, area covered, size or design. An increase or decrease in cost is considered a major amendatory only when the increase or decrease reflects such an environmentally significant change in the project.

(g) *Threshold.* A criterion of size or of environmental impact above which a Special Environmental Clearance is always required. The threshold is designed to screen out the more important HUD actions for special attention. HUD thresholds are set forth in Appendix A–1 to this part.

(h) *Decision points.* Those points of Federal commitment in the decision-making process before which prescribed environmental clearances must be completed. HUD decision points are set forth in Appendix A–1 to this part.

(i) *Finding of inapplicability.* A determination made in accordance with this part by an authorized HUD official that no Environmental Impact Statement (hereinafter "EIS") is required for the proposed HUD action under consideration. The Finding of Inapplicability for project level actions is a part of the Special Environmental Clearance.

(j) *Comments.* Formal reactions by one Federal agency to the proposed action and the Draft Environmental Impact Statement of another Federal agency; also formal reactions of State and local agencies or of public or private groups to the proposed action. Each Federal agency, including HUD, shall take these comments received on its Draft Environmental Impact Statement into account in the Final Environmental Impact Statement and in the approval or disapproval of the proposal.

(k) *Areas of jurisdiction by law or special expertise.* The areas in which one agency is asked to comment on major actions by another agency in accordance with NEPA and the CEQ Guidelines. Appendix II to the CEQ Guidelines provides CEQ views on those areas. HUD Draft Environmental Impact Statements shall be sent to those agencies listed under the appropriate areas to solicit their comments.

(l) *Substantial rehabilitation.* Repair or rehabilitation of a structure which prolongs its useful life for twenty (20) years or more.

§ 50.5 General policy.

(a) It is the policy of the Department to reject proposals which have unacceptable environmental impacts, based on HUD environmental policies and standards, which cannot be avoided, and to encourage modification of project proposals or plans in order to enhance environmental quality and minimize environmental harm. At each stage of the environmental clearance HUD officials shall work with the applicant to seek means for avoiding adverse environmental impact, maximizing environmental quality, and considering superior alternatives.

(b) When environmental clearances reveal conditions or safeguards which should be implemented once a project is approved in order to protect and enhance environmental quality or minimize adverse environmental impacts, such conditions or safeguards shall be set forth as requirements in the contract, grant, or other documents which delineate the obligations of the recipient. The contractor's performance in meeting such conditions shall be monitored and evaluated as part of the normal project monitoring and evaluation.

(c) Environmental impact shall be evaluated on as comprehensive a scale as is feasible, with a view to the overall cumulative impact of HUD actions and programs, as well as the project specific impacts of a particular proposal. Environmental factors shall be considered as early as possible in the review and decision-making process.

(d) Section 102(2)(A) of the National Environmental Policy Act directs all agencies to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man's environment." When making determinations regarding environmental impacts, HUD officials shall consult HUD professional personnel, such as urban planners, landscape architects, civil engineers, sanitary engineers, architects, economists, demographers, sociologists, lawyers, and others who are qualified to provide advice on specialized and broad aspects of environmental concerns.

(e) HUD officials shall continue to establish and review environmental policies, standards and procedures for administering HUD programs to promote environmental quality. HUD policies and procedures must be consistent with this Handbook.

§ 50.7 Office responsibilities for protection and enhancement of environmental quality.

(a) *Assistant Secretary for Community Planning and Development (CPD).* The Assistant Secretary for CPD is assigned the overall departmental responsibility for administering and coordinating the department-wide aspects of environmental policies and procedures set forth in this part. He shall be assisted as appropriate by all HUD Assistant Secretaries, the General Counsel, the Federal Insurance Administrator, the New Communities Administrator, the Federal Disaster Assistance Administrator, and the HUD Regional Administrators, and he shall have authority to delegate portions of the total responsibility as appropriate. The Assistant Secretary for CPD shall provide leadership in moving toward a unified departmental set of policies and standards to be applied to all HUD actions. He shall also be HUD's principal point of contact with the Council on Environmental Quality, the Advisory Council on Historic Preservation, the Environmental Protection Agency, other Federal agencies and State and local groups on environmental matters. He shall promulgate such additional internal HUD guidance as may be necessary for carrying out these functions and shall monitor and audit HUD activities pursuant to this policy. He shall maintain a current list of (1) all environmental impact statements being prepared, and (2) the Findings of Inapplicability, on policy issuances or other Central Office functions. He shall transmit, quarterly, to CEQ a list of all HUD environmental impact statements under preparation and all Findings of Inapplicability. He may designate a senior staff member as the Departmental Environmental Clearance Officer (hereinafter "ECO") to act for him in carrying out responsibilities under this part.

(b) *General Counsel.* The General Counsel shall:

(1) Designate an Environmental Clearance Officer (ECO) who shall act as his principal advisor on environmental matters and establish environmental clearance procedures for his office;

(2) Require the preparation of the Environmental Impact Statement or Finding of Inapplicability for all new HUD legislative proposals which may have significant environmental impact;

(3) Require the preparation of a Draft Environmental Impact Statement or a Finding of Inapplicability prior to the publication of each notice of proposed rulemaking in the FEDERAL REGISTER, and a Final Environmental Impact Statement (where applicable) prior to the approval and promulgation of new regulations which may have a potential for significantly affecting the quality of the human environment;

(4) Be provided the opportunity to review Draft and Final Environmental Impact Statements prior to issuance for policy actions and Central Office project actions;

(5) Support the Assistant Secretary for CPD on matters relating to litigation, interpretation of statutory requirements and other areas as appropriate.

(c) *Assistant Secretaries and Administrators of the Federal Insurance Administration, the New Communities Administration and the Federal Disaster Assistance Administration.* (1) Designate an Environmental Clearance Officer (ECO) (a senior official or staff director) who shall act as principal advisor on environmental matters, maintain an environmental reference file of appropriate background and resource material, oversee the development of environmental policies, standards and procedures for the office, monitor proposed policy actions and provide for environmental clearances for those which may have a potential for significantly affecting the quality of the human environment and maintain liaison with the Assistant Secretary for CPD;

(2) Revise existing program policies, procedures, standards, criteria, and application forms promulgated by his office to includes provisions for environmental considerations and clearance requirements in accordance with departmental policies and procedures set forth in this part; and/or issue a new document of environmental standards, criteria, and clearance procedures which shall govern all programs under his jurisdiction.

(3) Establish and maintain, in consultation with the Assistant Secretary for CPD, orderly procedures for environ-

mental clearances for proposed policy actions which may have significant environmental impact. These shall provide for an Environmental Impact Statement or Finding of Inapplicability for proposed legislation, new regulations, policy issuances, guidance documents or revisions to program policies and procedures which may have a potential for significantly affecting the quality of the human environment;

(4) Assign sufficient qualified personnel to activities required to implement this part and to address general issues of environmental protection and enhancement; and

(5) Provide to the Assistant Secretary for CPD a formal evaluation each year of progress in his program area in those activities specified in paragraph (c) (2) through (4) of this section. This shall include a review of environmental clearances of programs and policy documents accomplished in the previous year and an assessment of what needs to be done in the upcoming year.

(d) *Assistant Secretary for Administration*. The Assistant Secretary for Administration or his designee shall support the Assistant Secretary for CPD in budgetary process requirements set forth in OMB Bulletin No. 72-6.

(e) *Special Assistant to the Secretary for Public Affairs*. The Director of Public Affairs shall be responsible for preparing and disseminating a press release on all environmental impact statements prepared in the Central Office, including new community actions and policy actions.

(f) *Regional Administrators*. Each Regional Administrator shall:

(1) Designate his Assistant Regional Administrator for CPM as the Regional Office Environmental Clearance Officer (RO-ECO), who shall act as principal advisor to the Regional Administrator on environmental affairs; maintain an environmental reference file of appropriate background and resource material; maintain a current list of all environmental impact statements being prepared in the Region and a current list of all Findings of Inapplicability, and transmit these lists quarterly to the Assistant Secretary for CPD or his designated ECO, who shall transmit the lists quarterly to CEQ; oversee and monitor environmental clearances throughout the Region including compliance with the review requirements of the National Historic Preservation Act of 1966 (Pub. L. 89-655, section 106); and provide training as necessary;

(2) Assign sufficient qualified personnel to carry out environmental clearances described herein, and take other actions necessary to carry out departmental environmental policies and standards.

(3) Provide the Assistant Secretary for CPD with a formal annual evaluation of the progress in implementing NEPA and this part for all programs in the Region;

(4) Bring to the attention of the Assistant Secretary for CPD significant policy issues which appear to require additional departmental guidance regarding their environmental aspects; and

(5) Assign the responsibility to the Public Information Officer of preparing a press release on all environmental impact statements upon distribution.

(g) *Area Office and Insuring Office Directors*. The Area and Insuring Office Directors, shall:

(1) Designate, in the Area Office, the Assistant Director for Planning and Relocation as the Area Office Environmental Clearance Officer (AO-ECO) (a different senior official or staff director reporting directly to him or his deputy may be designated as the ECO with the approval of the RO-ECO and the Assistant Secretary for CPD), who shall act as principal advisor to the Area Director on environmental affairs, maintain an environmental reference file of appropriate background and resource material, oversee and monitor environmental clearances in the Area Office, and provide training as necessary. The ECO's responsibilities shall also include evaluating the adequacy of the performance of the program staff regarding environmental clearances for which they are responsible and recommending changes where necessary to the Area Director. For purposes of compliance with the special review requirements of section 106 of the National Historic Preservation Act, the AO-ECO shall also serve as the staff member responsible for compliance with section 106.

(2) Designate, in the Insuring Office, the Chief Underwriter as the Insuring Office Environmental Clearance Officer (IO-ECO), who shall act as principal advisor to the Insuring Office Director on environmental affairs, maintain an environmental reference file of appropriate background and resource material, oversee and monitor environmental clearances in the Insuring Office, and provide training as necessary. The ECO's responsibilities shall also include evaluating the adequacy of the performance of the program staff regarding environmental clearances for which they are responsible and recommending changes where necessary to the Insuring Office Director. For purposes of compliance with the special review requirements of section 106 of the National Historic Preservation Act, the IO-ECO shall also serve as the staff member responsible for compliance with section 106.

(3) Assign sufficient qualified personnel to carry out environmental clearances described herein, and take other actions necessary to carry out departmental environmental policies and standards, as directed in this part;

(4) As directed by the Regional Administrator, provide for periodic evaluation of the progress in implementing NEPA and this part; and

(5) Bring unresolved policy issues to the attention of the Regional Administrator.

Subpart B—Environmental Clearances on HUD Actions

§ 50.10 Purpose.

The purpose of this subpart is to establish a procedure for determining whether a proposed HUD action is a "major Federal action significantly affecting the quality of the human environment", and whether the proposal should be accepted, rejected, or modified accordingly.

§ 50.11 Environmental clearance process.

The procedure involves a three level environmental clearance process: Normal Environmental Clearance; Special Environmental Clearance; and Environmental Impact Statement Clearance. Normal Clearance is essentially a consistency check with HUD environmental policies and standards and a brief evaluation of environmental impact. Special Clearance requires an environmental evaluation of greater detail and depth. Finally, an Environmental Impact Statement is the complete and fully comprehensive environmental evaluation, including formal review by other Federal, State and local agencies, as prescribed by section 102(2)(C) of NEPA. Many HUD actions will be subject to a Normal Environmental Clearance. On the basis of that clearance, the proposed project shall be accepted, rejected, or modified accordingly. However, if, even after appropriate modification to mitigate environmental impacts, it is determined that there is potential significant environmental impact, Special Clearance procedures shall be initiated. If, after Special Clearance and the implementation of any changes mitigating environmental impacts, such impacts are still significant as a result of the action, an Environmental Impact Statement shall be prepared on the proposed action. The mere mitigation of adverse effects does not indicate that a project has no significant impact; an Environmental Impact Statement may be required even though adverse effects have been mitigated. All required environmental clearances shall be completed prior to the decision points described in Appendix A.

(a) *Exemptions*. Although HUD's general policy on environmental considerations applies to all HUD actions, the procedural requirements for environmental clearances set forth in this subpart shall not apply to those HUD actions which have been determined not to be "major Federal actions significantly affecting the quality of the human environment". These shall include an individual action on a one-to-four family dwelling, training grants, or rehabilitation and modernization projects which do not extend the life of a structure twenty (20) years or more. Exemptions from environmental clearances do not exempt these activities from the requirements of section 106 of the National Historic Preservation Act of 1966 when a property is listed on, or nominated to, the National Register of Historic Places.

(1) Planning assistance projects (701 Comprehensive Planning Assistance grants and other planning loans and grants) are exempted from the procedural requirements, but in lieu thereof an environmental assessment of the Final planning product shall be required as part of the proposed planning program.

(2) With respect to disaster relief and emergency activities of the Department, procedures for environmental clearance shall not apply to actions designed to meet the temporary housing needs of the affected population. Disaster activities which provide permanent housing and other recovery efforts will follow the environmental clearance procedures. However, where required by the serious nature of the situation and upon the approval of the Assistant Secretary for CPD, activities such as disaster related early land acquisition, clearance of damaged structures, and relocation efforts may take place prior to the completion of the environmental review.

(3) Except for these exemptions, all HUD actions must undergo one or more environmental clearances prior to the decision-points listed in Appendix A-1 to this part.

(b) *Limitation on actions pending clearance.* Pending preparation and completion of any environmental clearance, the appropriate HUD official may, after consultation with the Assistant Secretary for CPD or his designee, direct an applicant to refrain from taking any action with respect to a project which such official determines might have an adverse environmental effect or might so alter the environmental premises on which the clearance is based as to affect the validity of the conclusions reached. Such official may also direct the applicant to take such additional actions as he determines are necessary to preserve the status quo. The applicant shall promptly comply with all directions issued in accordance with this subsection.

(c) *Additional requirements.* The responsibilities and clearance requirements set forth in this subpart represent minimum Departmental requirements. Regional Administrators and Area and Insuring Office Directors with the concurrence of the Regional Administrator have discretion to require such additional clearances and responsibilities as are deemed necessary for the effective implementation of this part.

(d) *Controversy.* Decisions resulting from Normal or Special Clearance shall give adequate consideration to existing or potential environmental controversy. Issues raised by opponents and supporters of the HUD actions shall be carefully examined to determine whether the project involves significant environmental impacts. Major controversy which appears to raise substantive environmental issues is a factor which should contribute to a decision to undertake a more comprehensive environmental clearance procedure than would otherwise be initiated. For example, in the case of projects which would ordinarily require only Normal Clearance, major environmental controversy should weigh heavily in the decision to undertake a Special Clearance. Likewise for projects which normally require only Special Clearance, major controversy on environmental issues should weigh heavily in the decision to undertake Environmental Impact Statement Clearance.

(e) *Retroactivity.* To the maximum extent practicable, environmental clearance shall be required for uncompleted projects which have never gone through an environmental clearance under NEPA, at such time as a subsequent significant HUD action, such as the next stage of program approval or approval of a major amendatory, is proposed. Where it is not practicable to reassess the basic course of action, major attention should be given to measures which, given the stage of project completion, may reduce adverse environmental impact. It is also important in taking further action that account be taken of environmental consequences not fully evaluated at the outset of the project.

(f) *Evaluation of comprehensive activities.* Individual actions that are related either geographically or as logical parts in a composite of contemplated actions may be more appropriately evaluated in a single environmental clearance. The comprehensive environmental evaluation will not satisfy the requirements of this part, however, if it is superficial or limited to generalities. When all significant issues cannot be anticipated or adequately treated in connection with the comprehensive assessment as a whole, environmental clearances of more limited scope will be necessary on subsequent individual actions in order to fulfill the requirements of this part.

(g) *Properties listed on, or nominated to, the National Register of Historic Places.* Any HUD action or undertaking which has an effect on a property listed on, or nominated to, the National Register of Historic Places will require Special Environmental Clearance and must comply with section 106 of the National Historic Preservation Act of 1966 and implementing procedures, 36 CFR Part 800.

(h) *Environmental clearance forms.* Environmental clearance forms shall be used in conducting the required environmental clearance(s) for project level actions as directed in this part. Form ECO-1, completed by the applicant, shall be used by HUD principally as a source of factual information. An independent environmental assessment and evaluation shall be conducted by HUD on Form ECO-2 or Form ECO-3, or an Environmental Impact Statement shall be prepared. The completed clearances shall become part of the application file and shall accompany the proposal through the review and decisionmaking process.

(1) The Applicant's Environmental Information, Form ECO-1, shall be required of applicants for all project proposals except those exempted in § 50.11 (a)(1). The applicant shall be provided with Form ECO-1 along with the required program application forms, and the environmental clearance requirements shall be explained in the earliest stages of contact and application preparation. The appropriate HUD official shall indicate to the applicant the initial level of environmental clearance required for the proposed project. The completed Form ECO-1 shall accompany A-95 notification where required. It shall be submitted to HUD with the completed application.

(2) After obtaining information from other sources, HUD shall evaluate and verify the information provided by the applicant on Form ECO-1. HUD may begin preparing the appropriate clearance worksheet at this time or may await the resolution of problems. The applicant shall be asked to modify or supplement Form ECO-1 as appropriate: If there is inadequate information, the applicant shall be asked to supplement Form ECO-1 with documentation as necessary; if there are environmental problems, the applicant shall be asked to propose solutions, modify the project, include measures to enhance environmental quality or reduce adverse environmental impacts, provide assurances and documentation as necessary, and amend or revise Form ECO-1 accordingly. HUD shall then complete the appropriate environmental clearance worksheet, or shall prepare the Draft Environmental Impact Statement.

(i) *Relationship Between A-95 procedures and environmental clearance procedures.* OMB Circular A-95 provides a mechanism for securing comments and views of State and local agencies regarding the impact, including environmental impact, of Federal and Federally-assisted projects. The A-95 requirements are coordinated, but not synonymous, with the requirements set forth in this part. Those programs or projects which are not subject to A-95 requirements are nevertheless subject to environmental clearance requirements unless specifically exempted in § 50.11(a)(1). The requirements of this part and OMB Circular A-95 shall be coordinated in the following manner:

(1) *Project Notification and Review System (PNRS).* The A-95 Project Notification and Review System requires that, for non-housing programs covered by Attachment D of the A-95 Circular, the applicant submit to the appropriate clearinghouses a notice of intent to file an application for Federal assistance. For housing projects exceeding A-95 thresholds listed in paragraph 7c of Attachment A and under programs listed Attachment D, HUD is required to send the application submitted by the applicant to the appropriate clearinghouses. Housing projects under A-95 thresholds are not subject to the A-95 requirements. Environmental clearances procedures set forth in this part require that the applicant prepare Form ECO-1. For programs also covered by the A-95 Circular,

such form shall accompany the A-95 submission.

(2) *Inclusion of A-95 Comments in Draft EIS.* A-95 review of a proposed project generally takes place prior to the preparation of an impact statement. Therefore, comments on the proposed project that are secured during this stage of the A-95 process must be included in the Draft EIS. The comments received from clearinghouses, or by State and local environmental agencies through clearinghouses, in the A-95 review shall be attached to the draft impact statement when it is circulated for review.

(3) *Review of environmental impact statement.* If an Environmental Impact Statement is required, HUD shall notify the appropriate A-95 clearinghouses of HUD's intent to prepare and file the Draft Statement. When the Draft Statement is distributed, HUD shall send copies of the Statement to the appropriate clearinghouses for review and comment, regardless of whether or not the subject proposal is covered by OMB Circular A-95. The clearinghouses shall also receive copies of the Final Statement for their information.

(j) *Updating environmental clearances.* Environmental clearances shall be updated by revision, amendment or addendum to the original clearance, if:

(1) Additional information with significant implications for environmental impact or additional environmental impacts not previously considered is discovered during the review process. Actions which went through Normal or Special Environmental Clearance shall be updated by revision, amendment or addendum to the original environmental clearance worksheet. A new finding shall then be made on the basis of all information, and action taken accordingly. For actions for which a Draft and Final Environmental Impact Statement was prepared and distributed, the Final Statement shall be revised and reissued, or an addendum to the Statement shall be prepared and distributed. Such revision or addendum shall be subject to the same review and comment procedures as was the original Final Statement.

(2) Major amendatories are proposed. For major amendatories, the type and extent of environmental clearance required shall depend on the type, size and scale of the proposed action as amended. If an EIS is prepared for the amendatory, it shall be prepared and processed pursuant to § 50.14.

(3) HUD approval action is required for component activities whose environmental impacts were not addressed in sufficient detail in original environmental clearance for the larger action. Such clearance shall focus on the environmental impact of the specific project and site and need not treat the environmental impact on the more comprehensive level addressed in the original Environmental Impact Statement. A finding shall then be made as to the significance of the environmental impact of the specific project activity, and action taken accordingly. If an Environmental Impact Statement is prepared for the component activity, it shall be prepared and processed pursuant to § 50.14.

§ 50.12 Normal environmental clearance.

Normal Environmental Clearance shall be required for HUD actions for which it is not immediately evident that Special Environmental Clearance or Environmental Impact Statement Clearance is required. Normal Environmental Clearance is a consistency check with HUD environmental policies and standards and a brief evaluation of environmental impact. In formation shall be requested from the applicant on Form ECO-1 and gathered from other sources as appropriate. After modifications to the proposal to mitigate environmental impacts as necessary, HUD shall conduct an independent assessment and evaluation on Form ECO-2.

(a) *Responsibility for clearance.* Responsibility for Normal Environmental Clearance shall rest with the Area/Insuring Office program staff. An information copy shall be sent to the ECO.

(b) *Action resulting from clearance.* (1) If after appropriate modifications to the proposal there exist environmental impacts which are unavoidable, and, based on HUD environmental policies and standards, such impacts are also considered unacceptable, then the proposal shall be rejected.

(2) If there is no significant environmental impact, processing of the proposal may proceeed. Conditions or safeguards found to be necessary in order to protect and enhance environmental quality or minimize adverse environmental impacts shall be set forth in the contract, grant, or comparable document.

(3) If after appropriate modifications to the proposal to mitigate environmental impacts, there remains significant or potentially significant environmental impact, Special Environmental Clearance or EIS, as appropriate, is required. The mere mitigation of adverse effects does not indicate that a project has no significant impact; an EIS may be required even though adverse effects have been mitigated.

§ 50.13 Special environmental clearance.

Project level actions found to require Special Environmental Clearance by virtue of their size or scale (in relation to the thresholds in Appendix A-1 to this part) or other characteristics indicating significant environmental impact, or as a result of Normal Environmental Clearance, shall be subject to the requirements in paragraph (a) of this section. Proposed legislation, regulations, policy issuances, guidance documents, and revisions to such regulations and documents, which may have significant environmental impact, shall be required to undergo the Special Environmental Clearance for policy actions as set forth in paragraph (b) of this section.

(a) Project level actions. Special Environmental Clearance for project level actions is a preliminary version of the analysis required in the Environmental Impact Statement. It provides the HUD official with a factual basis for determining whether the proposed action has a significant environmental impact and hence, whether it should be approved, rejected, or modified, or whether an Environmental Impact Statement is required. Information required shall be requested from the applicant on Form ECO-1 and gathered from other sources as appropriate. After modifications to the proposal to mitigate environmental impacts as necessary, HUD shall conduct an independent assessment and evaluation. On the basis of this assessment an environmental finding shall be made and accompany the application through the review process.

(1) *Responsibility for clearance.* Special Environmental Clearance shall be conducted by the Area/Insuring Office Program staff. The environmental finding following this review shall be made by the AO/IO-ECO.

(2) *Action resulting from clearance.* (i) If after appropriate modifications to the proposal, there exist environmental impacts which are unavoidable, and, based on HUD environmental policies and standards, such impacts are also considered unacceptable, then the proposal shall be rejected.

(ii) If there is no significant environmental impact, a Finding of Inapplicability shall be made on the special Environmental Clearance Worksheet. Conditions or safeguards found to be necessary to protect and enhance environmental quality, or minimize adverse environmental impacts, shall be set forth in the contract, grant, or comparable document.

(iii) If after appropriate modifications to the proposal to mitigate environmental impacts, there remains significant or potentially significant environmental impact, an Environmental Impact Statement shall be prepared. The mere mitigation of adverse effects does not indicate that a project has no significant impact; an EIS may be required even though adverse effects have been mitigated.

(b) Policy Actions (Legislation, Regulations, Policy and Guidance Documents). Special Environmental Clearance for legislative proposals, proposed regulations, and policy issuances (such as handbooks, circulars, standards, or other guidance, and revisions thereof) consists of determining whether or not an Environmental Impact Statement shall be required. Certain categories of policy and guidance documents and regulations which are clearly unrelated to environmental concerns need not undergo environmental clearance. These include internal administrative procedures, accounting and fiscal allocation instructions, brochures and pamphlets for public information, internal personnel policies and procedures, and other actions which, in the determination of the program Environmental Clearance Officer designated by the appropriate Assistant Secretary or Administrator, have no potential for significantly affecting the quality of the environment. For all other policy issuances and proposed legislation, either an EIS or a Finding of Inapplicability shall be prepared. The decision as to whether an EIS or a Finding of Inapplicability is required shall be made early in the process of drafting the proposed document, and shall be based on the actual or potential significance of the environmental impact of the proposed action. Responsibility for the decision shall be as follows:

(1) *Legislation*. General Counsel with the approval of the Assistant Secretary for CPD.

(2) *Regulations*. The program Environmental Clearance Officer with the approval of the Assistant Secretary for CDP and the concurrence of the General Counsel.

(3) *Policy and Guidance Documents*. The program Environmental Clearance Officer, with the approval of the Assistant Secretary for CPD and the concurrence of the General Counsel.

If it is determined that an EIS is not required, a Finding of Inapplicability shall be prepared with the concurrence of the Assistant Secretary for CPD and the General Counsel. With respect to regulations and policy and guidance documents, the EIS or the Finding of Inapplicability shall be the responsibility of the initiating office director, and shall be written under the supervision of the program ECO. With respect to legislation, the EIS or the Finding of Inapplicability shall be prepared under the supervision of the General Counsel's Environmental Clearance Officer by the HUD office having the principal programmatic interest in the proposal for legislation.

(c) The Finding of Inapplicability or the EIS shall be subject to the following:

(1) *Legislation*. The Draft EIS or the Finding of Inapplicability shall, subject to OMB and CEQ requirements, accompany the proposal through the regular review process. The final text of the environmental statement and comments thereon should be available to the Congress and to the public for consideration in connection with the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which HUD has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

(2) *Regulations*. The Draft EIS or the Finding of Inapplicability shall accompany proposed regulations through the regular review process, and for those regulations subject to OMB Circular A-85, through A-85 clearance with public interest groups. All proposed regulations which affect the areas of jurisdiction of the Environmental Protection Agency shall be submitted to the Administrator of the Environmental Protection Agency for review under section 309 of the Clean Air Act, as amended. Notice of the availability to the public of the Draft EIS or the Finding of Inapplicability shall be published in the FEDERAL REGISTER as part of the notice of proposed rule making. Notice of the availability of the Final EIS (where applicable) to the public shall be published in the FEDERAL REGISTER along with the rule.

(3) *Policy and Guidance Documents*. The Draft EIS or the Finding of Inapplicability shall accompany the regular review process, including A-85 clearance where applicable. The Final EIS, where applicable, shall accompany the document through the final clearance process.

§ 50.14 Environmental impact statement clearance.

Environmental Impact Statement Clearance shall be required for all major HUD actions significantly affecting the quality of the human environment.

(a) *Environmental impact statement*. The Environmental Impact Statement is comprised of two stages, Draft and Final.

(1) *Notice of intent to file an environmental impact statement*. As soon as practicable after a determination is made that a HUD action will require the preparation and circulation of an environmental impact statement, a Notice of Intent to File shall be prepared to inform the public and to solicit comments that may be helpful in preparing the statement. Copies of this notice shall be sent to local newspapers, groups known to be interested in the agency's activities, the chief executive of the general unit of local government, local and State agencies, A-95 clearinghouses, the Assistant Secretary for CPD, the RO and CO-ECOs, and the RO Public Information Officer. When the appropriate HUD official determines that an environmental impact statement is not necessary, a Notice of Intent Not To File an EIS shall be prepared to inform the public under the following circumstances:

(i) HUD has previously announced the action would be the subject of an environmental impact statement; or

(ii) HUD has made a Finding of Inapplicability in response to a request from CEQ for the preparation and circulation of an EIS.

The notice shall include a statement of the reasons for this decision. This determination and the reasons for the decision shall be prepared and disseminated in the same manner as a Notice of Intent to File an EIS.

(2) *Draft environmental impact statement*. Stage one involves the preparation of a Draft Environmental Impact Statement and the summary sheet. The Draft is sent to the CEQ (10 copies), circulated to Federal agencies whose areas of jurisdiction by law or special expertise are involved, OMB-designated A-95 clearinghouses (State and regional/metropolitan), the chief executive and planning agency of the appropriate local (county, city or town) government, appropriate local agencies, groups/individuals with special interest in the proposed action, the applicant and made available to the public. Two (2) copies of the Draft Statement and the distribution list shall also be sent to the Assistant Secretary for CPD.

(3) *Final environmental impact statement*. The second stage is the Final Environmental Impact Statement, which takes into account and responds to the comments received as a result of circulating the Draft, and the revised summary sheet. The Final Statement, including the comments received and HUD's response, is filed with the CEQ (10 copies), sent to Federal agencies and organizations which commented on the Draft, the Environmental Protection Agency, A-95 clearinghouses, the chief executive and planning agency of the appropriate local government, appropriate local agencies, the applicant, and made available to the public. Two (2) copies of the Final Statement shall also be sent to the Assistant Secretary for CPD. The Final Statement shall accompany the recommendation of or report on the proposed action through HUD's review and decision-making process.

(b) *Timing*. (1) The Draft EIS shall be filed with the CEQ and made available to the appropriate agencies and to the public. The minimum review period for Draft EISs is forty-five (45) days (if practicable, requests for extension of time up to fifteen (15) days should be granted), and runs from the date of FEDERAL REGISTER publication by the CEQ that the Draft EIS has been prepared by HUD. The Draft must be on file at least ninety (90) days prior to HUD approval of, or commitment to, the proposed action. (See Appendix A of this part for decision points.)

(2) The Final Environmental Impact Statement shall be filed with the CEQ and made available to appropriate agencies and to the public at least thirty (30) days prior to HUD approval of, or commitment to, the proposed action. (See Appendix A to this part for decision points.) The thirty-day period begins on the date of issuance by HUD. After 30 days, and upon consideration of comments on the Final Statement, the initiating HUD Office may approve the project.

(3) The 45-day period and the 90-day period may run concurrently to the extent that they overlap. Exceptions to the 45 or 90 day time limits are permitted only under unusual circumstances. Exceptions must be approved by the Assistant Secretary for CPD, with the concurrence of the General Counsel and in consultation with the CEQ on a case-by-case basis.

(c) *Responsibility for clearance*. The Draft and Final Environmental Impact Statements shall be prepared and distributed by the initiating office or appropriate field office with program review responsibilities. Approval of the Statement and the proposed distribution list by the Regional Administrator (or his ECO) for field project level actions, and by the Assistant Secretary for CPD for policy actions and Central Office Project actions, is required prior to distribution.

(1) The Regional or Area Counsel shall be given the opportunity to review Draft and Final Environmental Impact Statements prior to issuance for field project level actions to determine whether there is compliance with the legal requirements of NEPA. This review shall be concurrent with other staff reviews. The General Counsel (or his ECO) shall be given the opportunity to review Draft and Final Environmental Impact Statements prior to issuance for policy actions and Central Office project actions.

(2) For Environmental Impact Statements requiring only the approval of the Regional Administrator, two (2) copies of the Draft Statement shall be sent to the Assistant Secretary for CPD when distribution is made to other agencies. The Assistant Secretary for CPD then has the option of requiring, in exceptional cases, that his concurrence be obtained prior to distribution of the Final Statement. If, in the judgment of the Regional Administrator (or his ECO), or the Assistant Secretary for CPD (or his ECO), there are issues of national significance, controversy or significant environmental policy issues involved, the Draft and/or Final Environmental Impact Statement shall be referred to the Assistant Secretary for CPD for concurrence prior to distribution.

(3) In cases where an adverse impact on a National Register property is unavoidable, the proposal may be rejected. If such a proposal is not rejected, a full explanation of efforts to comply with the recommendations of the Advisory Council on Historic Preservation shall be incorporated as a part of the Final Environmental Impact Statement. For projects involving unresolved cases of adverse impact on a National Register property, the Draft and Final Environmental Impact Statement must be approved prior to distribution by the Assistant Secretary for CPD.

(4) In order to facilitate review and utilize environmental expertise outside HUD to the fullest extent possible, agencies whose areas of jurisdiction by law or special expertise are involved in a proposed project shall be consulted during preparation of the Draft Environmental Impact Statement for such project, where such consultation is feasible and contributes to a more complete environmental evaluation.

(5) If after the specified period of time for review of the Draft Statement, HUD has not received comments from those agencies (Federal, State, areawide, or local) whose input is considered important to the project's environmental evaluation, HUD may contact these agencies and request their comments.

(d) *Action resulting from clearance.* Based on the Environmental Impact Statement clearance, including comments and suggestions by other agencies and interested parties, HUD shall attempt to mitigate adverse environmental impacts to the extent practicable. If there remain adverse environmental impacts which are unavoidable, and based on HUD environmental policies and standards, such impacts are also considered unacceptable, the proposal shall be rejected. Otherwise, unavoidable adverse environmental impacts shall be weighed against benefits to be obtained from approval of the proposal. Where environmental costs which would be incurred outweigh such benefits, the proposal shall be rejected. Where benefits of the proposal outweigh environmental costs, processing may proceed; conditions or safeguards found to be necessary in order to protect and enhance environmental quality or minimize adverse environmental impacts shall be set forth in the contract, grant, or comparable document.

§ 50.20 Public hearings.

(a) Prior to the distribution of a Draft Environmental Impact Statement for a project, a determination shall be made by the appropriate HUD official as to whether a public hearing should be held. The following factors shall be considered in determining whether a public hearing is appropriate:

(1) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved;

(2) The degree of interest in the proposal, as evidenced by requests from the public and from Federal, State, and local authorities that a hearing be held;

(3) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under the Act; and

(4) The extent to which public involvement has been achieved with respect to environmental concerns through other means, such as earlier public hearings, meetings with citizen representatives and/or written comments on the proposed action.

This determination shall be documented and attached to the draft environmental impact statement.

(b) The Draft Environmental Impact Statement shall be made available for public inspection and copying at cost at least 15 days prior to the time any public hearing is held under this section.

(c) If the appropriate HUD official determines that a public hearing is appropriate for a project being planned and/or implemented by a State or local agency, he shall also determine whether HUD or the public agency is to hold the public hearing. HUD shall hold the hearing for projects where the applicant is not a public agency.

(d) The Notice of Public Hearing shall be issued no later than five days after distribution of the Draft Environmental Impact Statement and shall be published in a local newspaper of general circulation at least 15 days prior to the date of the hearing. The notice shall:

(1) State the date, time, place, and purpose of the hearing;

(2) Identify the program and describe the proposed project and project area;

(3) State that any person or organization desiring to be heard on environmental issues will be afforded an opportunity to be heard;

(4) State where the Draft Environmental Impact Statement will be available to members of the public;

(5) Identify the public body which is to hold the hearing.

(e) Minutes of the hearing shall be kept.

(f) A public hearing is required for any project assisted under Title I of the Housing Act of 1949, as amended, prior to the acquisition of land by the local public agency. A hearing held pursuant to that title shall include consideration of the environmental aspects of the proposed action. Whenever possible, the LPA's ECO-1 Form shall be made available for public inspection at least 15 days prior to the hearing. The Notice prescribed by HUD Urban Renewal Handbook RHM 7206.1, chapter 3, section 5(e) shall include a statement regarding the availability of the ECO-1 Form. If no Form ECO-1 is available, the LPA shall consult with the Area Office to determine the procedure to be used in addressing environmental concerns at the public hearing.

(g) The procedures specified for hearings in paragraphs (b) through (e) of this section shall not apply to hearings held in accordance with this section.

§ 50.25 Public disclosure.

(a) Draft and Final Environmental Impact Statements and Findings of inapplicability shall be made available to the public in accordance with HUD policy pursuant to Part 15, of this subtitle, Executive Order 11514 and the CEQ Guidelines.

(b) Upon completion of the Draft EIS, a news release shall be submitted to the local newspapers and other appropriate news media, announcing that the Draft Environmental Impact Statement is available for comment and where copies may be obtained by those wishing to comment. The news release shall contain information of the name and location of the proposed action, a brief description of the proposed action, and a summary of the environmental impacts and the alternatives considered, including the alternative of no action.

(c) Copies of environmental impact statements shall be provided free of charge to the public requesting an opportunity to comment, or at a fee which is not more than the actual reproduction cost to the Department. (For distribution details on Draft and Final Statements see § 50.14(a) (2) and (3).)

(d) Copies of statements for project level actions shall be available for public reading in the appropriate Area/Insuring and Regional Offices. Central Office project level actions shall also be available in the Program Information Division in the Central Office and in the appropriate Area/Insuring and Regional Office. For policy actions, copies shall be available for public reading in the Program Information Division in the Central Office and all Regional Offices. The Department shall fill all reasonable requests for environmental impact statements during the review period. The National Technical Information Service (NTIS) should be used as a secondary source for providing environmental impact statements. Such requests should be referred to NTIS, Department of Commerce, Springfield, Va. 22151.

(e) A Final Environmental Impact Statement shall be sent to all parties who filed substantive comments on the draft.

Subpart C—Review of Other Agencies' Environmental Impact Statements

§ 50.30 Purpose.

The purpose of this subpart is to establish a procedure for commenting on Environmental Impact Statements initiated by other Federal agencies.

§ 50.31 General.

(a) Environmental Impact Statements initiated outside HUD will be referred to the appropriate HUD office for jurisdiction by law or special expertise. Comments shall be sent by the commenting HUD office to the initiating agency and the CEQ within 45 days of transmittal. The CEQ requires that ten (10) copies be mailed to the General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006. HUD comments shall also be made available to the public upon request.

(b) Environmental Impact Statements on project level actions initiated outside HUD shall be referred to the HUD Regional Administrator in whose jurisdiction the project falls, or to his designee, for comment. Comments recommending delay or rejection of a major undertaking may be referred to the Assistant Secretary for CPD for concurrence and for forwarding to the requesting agency and to the CEQ. Precedent-making comments of national significance shall be referred to the Assistant Secretary for CPD.

(c) Environmental Impact Statements from other Federal agencies on legislative proposals, regulations, or policy documents shall be sent to the General Counsel and the Assistant Secretary for CPD, respectively, for comment.

§ 50.32 Nature and scope of HUD comments on other agency environmental impact statements.

(a) Special attention should be given to Environmental Impact Statements for transportation projects which have impacts on parklands and are subject to review under section 4(f) of the Department of Transportation Act of 1966. Under section 4(f), approval rests with the Secretary of DOT, and HUD maintains an important advisory role. Particular care should be exercised in reviewing projects which use lands purchased with HUD Open Space funds and those for which adequate replacement provisions are lacking.

(b) Comments should be as specific, substantive and factual as possible. Emphasis should be placed on the assessment of the environmental impacts of the proposed action and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the action.

(c) Comments may include recommendations for modification of the proposed action or new alternatives not addressed which would enhance environmental quality or reduce adverse environmental impacts.

(d) Comments should include a statement concerning whether HUD projects not identified in the draft statement are sufficiently advanced in planning and related environmentally to the proposed actions so that a discussion of the environmental interrelationships should be included in the final EIS.

(e) Comments should indicate areas where HUD feels monitoring of environmental effects is in order and may suggest methods to so monitor.

Appendix A—Proposed HUD Actions Which Require Special Environmental Clearance or Environmental Impact Statement Clearance

Note: For programs not listed, consult the Assistant Secretary for Community Planning and Development.

Appendix A–1: Project Level Actions Subject to Threshold Criteria [1]

A Special Environmental Clearance is required for projects and major amendatories which meet or exceed one or more of the applicable thresholds. Thresholds shall apply to activities which have been aggregated for the purpose of environmental evaluation, both on the level of the comprehensive activity as well as on the level of individual component activities. All environmental clearances shall be completed before the applicable decision point.

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[1] For innovative programs or approaches such as Annual Arrangements, and individual HUD-financed or assisted project proposal contained within a larger package or program shall be subject to Special Environmental Clearance if any of the applicable program thresholds is met or exceeded. In addition, environmental evaluation of the broad and cumulative impacts of the larger program shall be conducted prior to individual application processing when feasible.

Program	Decision points	Thresholds
Code enforcement program	Approval of application or major amendatory.	All new concentrated code enforcement areas.
Demonstration [1] projects	do	Cost totalling $500,000 (from all sources) in new construction.
Housing assistance or insurance: [2]		
New construction of: [3]		
1-to-4 family structures	Issuance of feasibility letter or major change in letter or project (ASP-6).	50-lot subdivision.
Multifamily structures	Issuance of feasibility letter or major change in letter or project. Preliminary reservation of contract authority to State and local agencies for interest reduction assistance and rent supplement payments for uninsured projects.[4]	100-unit multifamily project (including scattered sites).
Public housing	1. For conventional, letter of notification of tentative site approval or approval of major change. 2. For Turnkey, HUD concurrence in tentative selection of developer. 3. For section 23 leasing (new construction or substantial rehabilitation), letter transmitting approvable proposals.	100-unit public housing project (including scattered sites) or 50-lot subdivisions.
College housing	Approval of fund reservation for college housing or major amendatory.	200-student project.
Mobile homes	Issuance of feasibility letter or major change in letter or project.	100-unit mobile home park.
Nursing homes	do	100-bed nursing home.
Hospitals [5]	do	100-bed hospital.
Group practice facilities	Invitation for formal application	Facilities with site acreage of 50,000 ft^2, or gross floor area of 30,000 ft^2.
Housing assistance or insurance: Substantial rehabilitation or property, disposition of:		
1-to-4 family structures. Multifamily structures. College housing. Mobile homes. Nursing homes. Hospitals.[5] Group practice. Facilities.	1. For rehabilitation, feasibility determination. 2. For Project Rehab, submission of proposal to central office. 3. For property disposition, approval of disposition program.	50 contiguous or noncontiguous 1-to-4 family structures/lots. 100-unit multifamily project (including scattered sites). 200-student project—college housing. 100-unit mobile home park. 100-bed nursing home. 100-bed hospital. Group practice facility with site acreage of 50,000 ft^2, or gross floor area of 30,000 ft^2.
Model Cities (planned variations)	1. All action years or major amendments, to the extent that the activities have not been previously evaluated.	Approval memorandum or letter of approval, whichever is sooner.
	2. Approval of application for individual project within Model Cities program. [7]	See appropriate categorical program.
Neighborhood facilities.[8]	Approval of allocation order or approval subject to validation of funds (whichever is sooner), or approval of major amendatory.	Site acreage of 50,000 ft^2, or gross floor area of 30,000 ft^2.
Open space land.[8]	Approval of allocation order or approval subject to validation of funds (whichever is sooner), or approval of major amendatory. Approval for conversion.	1. All sanitary landfill projects. 2. Impoundment of 2 surface acres or 25 acre-feet of water. 3. 50 acres. 4. All conversions of open space land acquired with HUD assistance to nonopen space uses not originally approved by HUD.
Public facility loans.[8]	Approval of allocation order or approval subject to validation of funds (whichever is sooner), or approval of major amendatory.	*See* Water and sewer.

Footnotes at end of table.

Program	Decision points	Thresholds
Urban renewal:[8] Conventional	Approval of part I or approval of major amendatory.	All urban renewal projects.
Neighborhood development program.[9]	Approval of allocation order or approval subject to validation of funds, whichever is sooner.	1. All first year NDP's and conversions from conventional urban renewal to NDP. 2. Subsequent action years: To the extent that the urban renewal plan has not been previously evaluated and/or changes in area or plans.
Water and sewer	Approval of application or major amendatory.	1. All above ground reservoirs and stand pipes. 2. All source development projects, including major river impoundments, raw water reservoirs, well fields, and treatment plants. 3. Treated water transmission or sewage collection lines which pass through, are adjacent to, or serve undeveloped areas of 50 acres or more.
Flood and disaster insurance program.	Issuance of special flood plain or mudslide area delineations. Community eligibility	1. Variance from normal practice defined by FIA. 2. Variance of land use and control measures from established FIA criteria.

[1] All research projects resulting in new construction of $500,000 are included; other research projects are generally exempt unless it has been determined that the results of the effort; when implemented, will have a significant effect on the human environment.

[2] Project selection criteria are not a substitute for environmental clearance.

[3] Phase 3 Breakthrough housing projects are subject to environmental clearance procedures in the same way as other housing projects.

[4] This handbook shall also apply to HUD approval of interest subsidy on existing properties. However, the environmental assessment does not have to address the impact construction of the project on the environment since it has already taken place. All other environmental factors must be assessed.

[5] HEW has the lead role in environmental evaluation and clearance of proposed hospitals. HUD has responsibility for clearance and conformance with departmental policies and standards to the extent that such clearance is not conducted by HEW.

[6] See §§ 50.11 (f) and (j) for individual projects within the Model Cities program which receive Model Cities supplemental grants but which derive the majority of their Federal assistance from another agency, such as HEW or OEO, the other agency is considered lead agency and responsible for the environmental clearance. For a project which receives all or most of its funding from Model Cities grants, HUD is responsible for the appropriate environmental clearance.

[7] For projects using supplementary funds which result in the construction or acquisition of capital facilities not included in HUD categorical programs, the appropriate environmental clearance shall be prepared prior to the award of the supplemental grant.

[8] Project selection systems are not a substitute for environmental clearance.

[9] For projects in the National Capital area refer to agreement between HUD and the National Capital Planning Commission.

APPENDIX A-2: OTHER HUD ACTIONS WITH SPECIAL REQUIREMENTS [1]

NOTE: Where special requirements are imposed in accordance with this appendix, thresholds set forth in Appendix A-1 do not apply.

Action	Decision point	Requirement
New construction or substantial rehabilitation of residential or other noise sensitive land uses such as nursing homes, hospitals, group practice facilities, in unacceptable noise zone (circular 1390.2).	Decision point stated in appendix A-1.	Environmental impact statement.
New construction or substantial rehabilitation of residential or other noise sensitive land uses such as nursing homes, hospitals, group practice facilities, in discretionary (normally unacceptable) noise zone (circular 1390.2), which is new development in a largely undeveloped area.	do	Do.
New construction or substantial rehabilitation of residential or other noise sensitive land uses in discretionary (normally unacceptable) noise zone (circular 1390.2), which is infill in existing development.	do	Special environmental clearance.
New Communities: Debt guarantee or certification of eligibility or interest loan.	Authorization by Community Development Corporation Board of offer of commitment or major change to approved plan.	Environmental impact statement.
New communities: Special planning assistance loan or grant.	Authorization by Community Development Corporation Board of loan or grant.	Environmental assessment as part of planning product.
Title X mortgage insurance for land development	Issuance of feasibility letter or major change in letter or project.	Environmental impact statement.
Any project which has an effect on a property listed on, or nominated to, the National Register of Historic Places.	Decision point stated in appendix A-1.	Special environmental clearance.
Any project which has an adverse effect on a property listed on, or nominated to the National Register of Historic Places.	Decision point stated in appendix A-1.	Environmental impact statement. Request review by Advisory Council on Historic Preservation.
Legislation	Departmental decision to sponsor legislation.	Finding of inapplicability or draft and final environmental impact statement.
Regulations which have potential for significantly affecting the quality of the human environment.	Publication in FEDERAL REGISTER of notice of proposed rule making. Promulgation	Finding of inapplicability or draft environmental impact statement. Final environmental impact statement, where applicable.
Policy and guidance documents which have potential for significantly affecting the quality of the human environment.	A-85 clearance Promulgation	Finding of inapplicability or draft environmental impact statement. Final environmental impact statement, where applicable.

[1] Project actions affected by Circular 1390.2 require that projects located in the Unacceptable or Discretionary-Normally Unacceptable noise exposure zone require special approvals and must incorporate noise attenuation measures.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[HUD Guide Form ECO-1]

APPLICANT'S ENVIRONMENTAL INFORMATION

Region ____________ Area/Insuring Office ____

A. Applicant/Sponsor.
B. Project Name and Location.
C. HUD Program.
D. OMB Circular A-95 Review.

Is proposed project subject to A-95 review?
☐ Yes ☐ No

Date submitted to clearinghouses: ____________

Check one:
☐ State/regional clearinghouse comments attached.
☐ No comments received after ____ days before clearinghouses.

E. Description of Project.

F. Description of existing environment of the site and area.

1. Existing physical environment (natural and man-made):
a. Land and Climate:
b. Vegetation, wildlife and natural areas:
c. Surrounding land uses and physical character of area:
d. Infrastructure:
e. Air pollution levels:
f. Noise levels:
g. Water pollution levels:
h. Energy Resources:
i. Other:

2. Existing social environment:
a. Community facilities and services:
b. Employment centers and commercial facilities:
c. Character of community:
d. Other:

3. Existing aesthetic environment: (Including properties listed on, or nominated to, the National Register of Historic Places.

G. How Will the Environment Described in F Affect the Project?
1. Physical environment:
2. Social environment:
3. Aesthetic environment:

H. How Will the Project Affect the Environmental Factors in F?
1. Physical environment:
2. Social environment:
3. Aesthetic environment:

I. Where Appropriate, Describe the Quality of the Environment Created by the Project and Its Impact on the Expected Residents or Users of the Project.
1. Physical environment:
2. Social environment:
3. Aesthetic environment:

J. What Alternatives to the Proposed Project Were Considered and Why Were They Rejected: What Additional Alternatives Can Be Considered To Avoid Adverse Environmental Impacts?
a. Alternative locations or sites:
b. Alternative sizes and designs:

K. Describe provisions of the proposal which were specifically designed to reduce adverse environmental impacts or to enhance environmental quality. Describe abatement measures which were rejected and the reasons for rejection (estimate costs). Describe measures other than those included in the project being taken or planned to enhance environmental quality or reduce adverse environmental impacts.

L. What are the known views of governmental bodies, private organizations, local citizens, etc., concerning the proposed project? Identify known or potential opposition groups and their views.

M. Certification: The applicant/sponsor identified in black A hereby certifies that the information furnished in this Applicant's Environmental Assessment is true and accurate to the best of his (its) knowledge.

Date __________ Signature ______________
Title ________________

INSTRUCTIONS FOR COMPLETION OF FORM ECO–1, APPLICANT'S ENVIRONMENTAL INFORMATION

For non-housing programs, prepare in triplicate. Attach duplicates to A–95 notice on intent to apply for Federal assistance and send to appropriate clearinghouses; attach original to application and submit to HUD. For housing projects over A–95 thresholds, prepare in triplicate and send to HUD with application for transmittal to clearinghouses. For housing projects under A–95 thresholds, prepare in original and send to HUD with application.

Attach additional sheets as necessary and identify project and item number on each. Reference may be made to information in application or project file.

A. Self-explanatory.

B. Self-explanatory.

C. Self-explanatory.

D. A HUD representative can advise you whether or not your project is subject to A-95 review.

E. Briefly describe the project. Include size or scale, design, type of facilities included, location, cost, and other descriptive features. Include minimum or two (2) maps: One showing location of project within the city, town, or metropolitan area, and another showing the relationship of the project to immediate area and distance from such major landmarks as an airport, highway and roads, park, and CBD. Attach photo of site if available.

F. Identify positive and negative aspects of the existing environment of the site and area. Discuss under separate headings the environmental characteristics of the site and area: 1. *Physical environment (natural and man-made)*—a. *Land and climate.*—Soil (general characteristics, load bearing capacity, existing and potential erosion, permeability);

Topography (general characteristics, slope grade of site—maximum, minimum, average);

Subsurface conditions (geologic characteristics, geologic faults, aquifer recharge);

Special conditions (flood plain, unique landscape, potential for mudslide, landslide, subsidence, or earthquake, aerial or underground transmission lines and right-of-way);

Unusual climatic conditions (subject to very high rainfall, flashfloods, hurricanes, or tornadoes, strong winds, extremes of temperature, etc.).

b. *Vegetation, wildlife and natural areas.* Extent and type of vegetation and wildlife; existence of on site or proximity to unique natural systems (stream systems, wildlife breeding areas, parks, etc.).

c. *Surrounding land uses and physical character of area.* Type of development (single family or high-rise residential, industrial, commercial, open space, mixed); land use configuration (land use map); densities; building height and design; lot sizes; etc.

d. *Infrastructure.* Description (general description, location, responsible body, relation of capacity to existing demand), of water supply, sanitary sewage and solid waste disposal, storm sewers and drainage, energy, and transportation (roads, public transit, parking) facilities servicing site.

e. *Air pollution levels.* Extent of pollution (smog, dust, odors, smoke, hazardous emissions) in relation to local/State standards, and standards of health and safety (freqency of inversions, air pollution alert or emergency); in relation to the rest of the metropolitan area (conditions peculiar to the site and immediate area).

f. *Noise levels.* Source (nearby airport, railway, highway); noise levels in relation to HUD standards in Circular 1390.2 (include worksheet, if appropriate); vibrations.

g. *Water pollution levels.* Ground and surface water relevant to site and area (drainage basin, source of water supply, water bodies with implications for health and recreational uses, etc.).

h. *Energy resources.* Type, amount and purpose of energy to be used, types of actions proposed to conserve energy.

i. *Other.* Not included in above categories.

2. *Existing Social Environment*—a. Community facilities and services—description (general description, location, responsible body, relation of capacity to existing demand) of school, park, recreational and cultural, police and fire, and health facilities servicing the site and area.

b. Employment centers and commercial facilities servicing site and area.

c. Character of community—socioeconomic and racial characteristics.

d. Other—not included in above categories.

3. *Aesthetic environment.* General aesthetic characteristics; special features (natural or man-made) existence of on site or proximity to significant historic, archaeological, or architectural sites or property, including those listed on, or being considered for nomination to, the National Register of Historic Places, scenic areas, and view.

G. Discuss the quality of the environment of the area and its impact on the expected residents or users of the proposed project. Describe major constraints or opportunities presented by the existing environment which serve to limit or contribute to the viability of the proposed project. Concentrate on critical features described in F.

H. Discuss under each heading listed:

1. What is being impacted;
2. Sources of impact;
3. Degree or severity of impact;
4. Relationship to official local and areawide planning.

I. Where appropriate (e.g., for urban renewal project, large multi-family housing project, new community or subdivision), discuss the relationship among the various components of the proposed project. Identify design and other features which will assure that a high quality of living environment will be created by the proposed project. Describe how the plans for the project contribute to such environmental factors as:

1. *Physical environment.* Health, safety, comfort, functional quality.

2. *Social environment.* Racial and economic composition;

Opportunity for social interaction and privacy;

Community life (places to meet, management, organized activities, etc.);

Security.

3. *Aesthetic environment.* Pleasantness, interest, stimulation.

J. Indicate adverse environmental impacts which would be avoided or created by each alternative, and discuss briefly pros and cons of each alternative. Discuss under separate headings:

a. Alternative locations or sites which were considered. Indicate alternative sites owned, controlled, or potentially available which would be investigated if the recommended site is unacceptable.

b. Major alternatives (at least one or two in each category) which were considered in terms of:

(1) Size—anticipated resident/user population or density, extent of coverage, etc.

(2) Design—number and height of buildings and placement on site, architectural and design treatment, land uses, etc.

What additional alternatives, i.e., what modifications to the proposal's size or design plans, not previously considered could be investigated to reduce adverse environmental impacts?

K. Discuss measures that will be taken as part of the project to enhance environmental quality and reduce adverse environmental impacts. Examples of such measures include: Measures to reduce air pollution levels or excessive noise levels (air conditioning, noise barriers, setbacks or greenbelts, insulation, etc.); erosion and siltation control measures; drainage systems capable of carrying 50-year frequency rainfall; on-site sewage or solid waste disposal facilities or contribution to establishment or expansion of local or regional system; preservation of natural areas or open space; landscaping and preservation of cover; screening; expansion of new construction of community facilities; discussion of impact with community groups; special architectural treatment; preservation of relocation of historic property; etc. Discuss abatement measures which were rejected and the reasons for rejection (estimate costs).

Discuss, also, measures other than those included in the proposal being taken or planned by local governmental bodies, State agencies, other Federal agencies, or private groups or individuals which will enhance environmental quality or reduce adverse environmental impacts of the project. These may include actions or plans by the locality to expand infrastructure and community facilities and services to meet the demand imposed by the project and by growth in the area; controls imposed by appropriate agencies or governmental bodies or private organizations to preserve natural areas, open space, or historic sites; plans to anticipate and cope with the long-term impacts of the project specifically and growth in the area in general; efforts to reduce pollution levels in the area and prevent further pollution; public or private projects which will improve the environment of the area or meet the needs of the residents or users of the proposed project. Distinguish between actions underway, firm and tentative plans, and preliminary discussions.

L. Describe the position regarding the proposal of the local and State officials with jurisdiction over planning, zoning, building and subdivision controls and regulations, pollution control, public services needed by the project, conservation and recreation, historic preservation, etc., as appropriate. Does the project conflict with measures taken by governmental bodies to control growth, prevent adverse environmental impacts, or enhance environmental quality for the existing community (e.g., moratorium on building permits, preservation of open space or sites or property of historic, archaeological, architectural, or cultural value or significance, limit on traffic, limitation of loan on sewage treatment facilities)?

Describe private organizations, community groups with special interest in the proposal, both for and against the project. Identify actual or potential opposition, issues involved in the opposition, and extent of controversy. Indicate the probability, if any, of litigation regarding the project and the probable grounds for such litigation.

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