

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND INTENT TO REQUEST
RELEASE OF FUNDS**

February 13, 2015
City of Houston
Housing and Community Development Department (HCDD)
601 Sawyer, 4th Floor
Houston, TX 77007
(832) 394-6251

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

REQUEST FOR RELEASE OF FUNDS

On or about **Tuesday, March 3, 2015**, the City of Houston's Housing and Community Development Department (HCDD), on behalf of the Houston Redevelopment Authority (Houston Housing Finance Corporation), will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of the following funds:

Community Development Block Grant (CDBG) funds authorized by Title I of the Housing and Community Development Act of 1974 (P.L. 93-383, as amended), to undertake a project known as, to undertake a project known as:

Project Title: **8665 N. Main Land Acquisition**

Location: **8665 N. Main, Houston, Texas 77022**

Purpose of project: Acquisition of an approximately 5.202 acre parcel of land at the SW corner of N. Main and Crosstimbers (known as 8665 N. Main) by the Houston Housing Authority, from the Harris County Flood Control District. This acquisition is being undertaken in order to allow for the development of a grocery store and other retail operations to be developed on the subject property. The facilities to be developed will make goods and services available to low to moderate income persons, particularly those residing at the proposed future developments at 8606 N. Main, 8666 N. Main, and 306 Crosstimbers.

The subject property is a former Leaking Petroleum Storage Tank (LPST) site which has been closed by the TCEQ as of September 10, 2014.

The TCEQ has confirmed the following regarding the subject property:

- a) Maximum concentrations remaining in the soil do not exceed residential health based target levels or default construction worker exposure target levels.
- b) Although maximum concentration is groundwater exceed plan A target levels, there is no documented use of the impacted groundwater within ½ mile of the site. Since municipal supply is available, future use of the affected groundwater is unlikely.
- c) The site meets residential standards for closure.

While the subject property meets residential standards for closure, the TCEQ has advised that any contamination remaining at the site should be reevaluated if future soil excavation activities are conducted, since the case closure is based on identified exposure pathways. The TCEQ has also advised that any wastes generated from whatever excavation takes place are handled in compliance with all applicable regulations. The client—the Houston Housing Authority (HHA)—has agreed that they will abide by the TCEQ requirements.

The HHA has also been advised that the recommendations of the final Phase II ESA be followed:

Over-excavation should be performed in order to remove soils with high TPH and any trace volatiles in any planned residential area. Furthermore, it is advised that the Phase II ESA's recommendations be followed by excavating, exposing, and allowing the soils with high TPH to de-gas before placing them back into the ground.

Since noise levels were measured at 73.6 decibels (dB), the HHA has been advised that noise mitigation will need to be performed so that interior noise levels are below 45 dB, in order to receive federal funds. The mitigation requirement will need to be placed in the contract, and documentation will need to be provided to the HCDD Environmental Team demonstrating that the 45 dB level has been achieved. Penalties for failure to demonstrate that these goals are met include the payback of federal funds.

Grant No. & Amount: **B-10-MC-48-0018.....\$300,000.00**
 B-12-MC-48-0018.....\$481,376.00
 B-13-MC-48-0018.....\$578,624.00

FINDING OF NO SIGNIFICANT IMPACT

The City of Houston has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the above address and is available for public examination or copying weekdays 8 A.M. to 5 P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the City of Houston, Housing and Community Development Department, ATTN: Environmental Review Officer, 601 Sawyer, 4th Floor, Houston, Texas 77007. All comments received by the close of business on **Monday, March 2, 2015** will be considered by the City of Houston prior to authorizing submission of a request for release of funds. Commentors should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

The City of Houston certifies to HUD that Annise Parker, in her capacity as Mayor, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City of Houston to use Program funds provided to the Houston Redevelopment Authority (Houston Housing Finance Corporation) for economic development.

OBJECTIONS TO RELEASE OF FUNDS

HUD will consider objections to its release of funds and the City of Houston certification received by the close of business on **Wednesday, March 18, 2015** or a period of fifteen days from its receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer or other officer of the City of Houston approved by HUD; (b) the City of Houston, as Responsible Entity, has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to: U.S. Department of Housing and Urban Development, 1301 Fannin Street, Suite 2200, Houston, Texas 77002. Potential objectors should contact HUD to verify the actual last day of the objection period.

Annise Parker, Mayor
City of Houston