Washington State

Natural Resources Management Guide (NRMG) February 2003

Updated October 2004

TABLE OF CONTENTS

1.0. INTRODUCTION 1

2.0. RURAL DEVELOPMENT POLICIES AND GUIDELINES 2
2.1. General Policy 2
2.2. Special Policies 3
2.2.1. Important Land Resources 3
2.2.2. Endangered Species 3
2.2.3. Wild and Scenic Rivers 3
2.2.4. Historical and Cultural Resources 3
2.2.5. Water and Energy Conservation 4
2.2.6. Intergovernmental Initiatives on Important Land Resources 4
2.2.7. Water Quality 4
2.2.8. Comprehensive Plans and Statewide Goals 4

3.0. RBS/RHS APPLICANT'S RESPONSIBILITIES 5

4.0. RUS APPLICANT'S RESPONSIBILITIES 6

ATTACHMENT 1

FEDERAL AND STATE LAWS, REGULATIONS, STANDARDS OR PROCEDURES THAT PROTECT DESIGNATED, IMPORTANT LAND USES AND ENVIRONMENTAL RESOURCES WITHIN THE STATE

1.0. AIR QUALITY 1
1.1. Level of Protection 1
1.2. Agency Jurisdiction 2
1.3. Location of Resources 3

2.0. COASTAL RESOURCESS 4
2.1. Level of Protection 4
2.2. Agency Jurisdiction 7

3.0. ENDANGERED AND THREATENED SPECIES AND WILDLIFE 8
3.1. Level of Protection 8
3.2. Agency Jurisdiction 10
3.3. Location of Resources 11

4.0. FARMLAND 12
4.1. Level of Protection 12
4.2. Agency Jurisdiction 13
4.3. Location of Resources 13

5.0. FLOODPLAINS AND AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS 14
5.1. Level of Protection 14
5.2. Agency Jurisdiction 15
5.3. Location of Resources 15

6.0. FORESTLAND 17
6.1. Level of Protection 17
6.2 Agency Jurisdiction 18
6.3. Location of Resources 19

7.0. HISTORIC & ARCHAEOLOGICAL PRESERVATION 20
7.1. Level of Protection 20
7.2. Agency of Jurisdiction 21
7.3. Location of Resources 22

8(a). NATURAL LANDMARKS 23
8(a).1. Level of Protection 23
8(a).2. Agency Jurisdiction 24
8(a).3. Location of Resource 25

8(b). NATIONAL PARK SERVICE SYSTEM UNITS 26
8(b).1. Level of Protection 26
8(b).2. Agency Jurisdiction 26
8(b).3. Location of Resources 27

8(c). NATIONAL SCENIC AREA 30
8(c).1. Level of Protection 30
8(c).2. Agency Jurisdiction 31

8(d). NATIONAL TRAILS SYSTEM 32
8(d).1. Level of Protection 32
8(d).2. Agency Jurisdiction 32
8(d).3. Location of Resources 33

9.0. PRIME RANGELAND 34
9.1. Level of Protection 34
9.2. Agency Jurisdiction 34
9.3. Location of Resources 35

10.0. SOLE SOURCE AQUIFERS 36
10.1. Level of Protection 36
10.2. Agency Jurisdiction 36
10.3. Location of Resources 36

11.0. WATER QUALITY 37
11.1. Level of Protection 37
11.2. Agency of Jurisdiction 39
11.3. Location of Resources 39

12.0. WETLANDS 40
12.1. Level of Protection 40
12.2. Agency Jurisdiction 41
12.3. Location of Resources 41

13.0. WILD AND SCENIC RIVERS 43
13.1. Level of Protection 43
13.2. Agency Jurisdiction 43
13.3. Location of Resources 44

14.0. WILDERNESS 47
14.1. Level of Protection 47
14.2. Agency Jurisdiction 47
14.3. Location of Resources 48

15.0. INTERGOVERNMENTAL REVIEW PROCESS 50
15.1 Level of Protection 50
15.2 Rural Development Responsibility 50
15.3 Location of Resource 50

ATTACHMENT 11

OTHER ENVIRONMENTAL FACTORS AND CONCERNS

1.0. HAZARDOUS SUBSTANCES (Waste) 1
1.1. Federal Regulations 1
1.2. State Regulations 1
1.3. Background - federal 1
1.3.1. RCRA 1
1.3.2. CERCLA 4

1.3.3. SARA 5
1.3.4. Definitions 6
1.4. Background - State 7
1.4.1 Hazardous Waste and Hazardous Materials 7
1.4.2 State Authority 9
1.5. Rural Development Responsibilities 10
1.6. Safety 13
1.7. Applicants Responsibility 13

2.0. RADIOACTIVE WASTE
2.1. Federal Regulatios 14
2.2. State Regulations 14
2.3. Background – Federal 14
2.4. Background – State 14
2.5. Federal Jurisdiction 15
2.6. State Jurisdiction 15
2.7. Rural Development Responsibility 15

3.0. UNDERGROUND STORAGE TANKS (UST) 16
3.1. Federal Laws 16
2.2. State Laws 16
3.3. Background 16
3.4. Requirements for New Tanks 17
3.5 Notification 17
3.6 Storage Tanks Exempt from Reporting Requirements 17
3.7. Rural Development Responsibility 18
3.8. Applicant Responsibilities 18
3.9. Reporting Requirements 19

4.0. RADON GAS 20
4.1. Background 20
4.2. Regulatory Authority 22
4.3. Solutions 21
4.4. Location of Hazard 23
4.5. Rural Development Responsibility 23

5.0. ASBESTOS 24
5.1. Background 24
5.2. Regulatory Authority 24
5.3. Location of Hazard 25
5.4. Resources 25
5.5. Rural Development Responsibility 26

6.0. GEOLOGICAL HAZARDS AND CONSTRAINTS 27
6.1. Background 27
6.2. Regulatory Authority 27

6.3. Location of Hazard 27
6.4. Rural Development Responsibility 28

7.0. LEAD HAZARDS 29
7.1. Background 29
7.2. Regulatory Authority 30
7.3. Location of Hazard 31
7.4. Rural Development Responsibility 31
7.5. Resources 33

8.0. CLANDESTINE DRUG LABS 34
8.1. Background 34
8.2. Regulatory Authority 35
8.3. Location of Hazard 35
8.4. Rural Development Responsibility 36
8.5. Resources 37

9.0. MOLD 39
9.1. Background 39
9.2. Regulatory Authority 41
9.3. Location of Hazard 41
9.4. Rural Development Responsibility 42
9.5. Resources 42

10.0. ENERGY 43
10.1. Level of Protection 43
10.2. Agency Jurisdiction 43
10.3. Location of Resource 43

11.0. NOISE QUALITY 45
11.1. Level of Protection 45
11.2. Agency Jurisdiction 45
11.3. Location of Resource 46

APPENDIX

RUS Bulletin 1794A-602 ..... Appendix 1

RD Instruction 1940-G ..... Appendix 2

Biological/Survey/Assessment Requirements ..... Appendix 3

Transaction Screen Questionnaire ..... Appendix 4

Notice of Residential Occupancy Restriction (Notice of Sale) ..... Appendix 5

Notice of Residential Occupancy Restriction (Quitclaim Deed) ..... Appendix 6

Hazardous Substances Warranty Covenant ..... Appendix 7

Seller's Disclosure and Purchaser's Acknowledgement……..Appendix 8

Memorandum of Understanding and Agreements (MOU)……..Appendix 9

Unanticipated Discovery Plan (UDP)……..Appendix 10

1. INTRODUCTION

The Washington State Office of the United States Department of Agriculture (USDA) Rural Development (RD) has developed this Natural Resource Management Guide for Washington. The Guide has been prepared to assist applicants, engineers, and environmental consultants in preparation of the required National Environmental Policy Act (NEPA) documentation for RD funded projects within the State of Washington. Rural Development assistance is provided through three separate Agencies within the Department of Agriculture, Rural Business Service (RBS), Rural Housing Service (RHS), and Rural Utilities Service (RUS). The NEPA reporting requirements can vary between each of these Agencies. Projects receiving financial assistance from RBS and RHS will comply with FmHA Instruction 1940-G, *Environmental Program*, and projects receiving financial assistance from RUS will comply with Staff Instruction 1794-1, *Administrative Procedure for Environmental Policies and Procedures for Water and waste Loans and Grants*.

NEPA is our basic national charter for protection of the environment. It establishes policy, sets goals, and provides means for carrying out the policy. The Act contains provisions to make sure that federal agencies act according to the letter and spirit of the Act.

NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.

The NEPA process is intended to help public officials make decisions that are based on an understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.

The basic contents, purposes, and uses of the Guide are as follows:

- The Guide will assist applicants receiving financial assistance from either RBS or RHS in the preparation of all NEPA documentation as outlined within FmHA Instruction 1940-G, *Environmental Program.* This documentation will primarily consist of completing Form FmHA 1940-20*, Request for Environmental Information.*

- The Guide will assist applicants receiving financial assistance from RUS in the preparation of the Environmental Report (ER) as outlined in RUS Bulletin 1794A-602, *Guide for Preparing the Environmental Report for Water and Waste Projects*. The Environmental Report is to be developed by a pre-qualified environmental consultant.

- The Guide lists environmental regulations applicable to RBS and RHS and RUS projects, lists degrees of protection required by each environmental regulation and lists applicable State and Federal Agencies that can be contacted by applicants and/or consultants for assistance in determining if their project involves important land resources, endangered species, historical sites, etc.

- The Guide shall serve as a mechanism for assembling an inventory of the locations within the State, those natural resources, land uses, and environmental factors that have been specified by federal, state and local authorities as deserving some degree of protection or special consideration.

- The Guide summarizes the various standards of federal, state, or local protection that apply to the natural resources, land uses, and environmental factors listed in the inventory.

- The Guide shall be considered by Rural Development in decisions relating to the use of available program resources.

- Applications for individual projects must be reviewed for consistency with the Guide.

- The Natural Resource Management Guide is **not** intended to result in a plan or be a plan. It is intended to be an explicit framework of major environmental standards and review requirements that have been promulgated at the federal level as well as those that are particular to the State of Washington. It provides listings of natural opportunities and constraints for various land use activities against which proposals for development can be evaluated. Finally, it serves as a useful planning tool for prospective applicants.

RBS, RHS, and RUS will not approve loans or projects that convert important farmland and forestland, prime rangeland or wetlands; or encroach upon floodplains, unless there is an overriding need for the project and there are no practical alternatives.

When conversion is required, it must be consistent with federal, state, and local laws, and be consistent with local planning. Mitigation measures will be required to minimize the affect of such conversion, and to minimize the pressure to have further conversion.

2. RURAL DEVELOPMENT (RHS, RBS, RUS) POLICIES AND GUIDELINES:

2.1. GENERAL POLICY

Rural Development shall consider environmental quality as equal with economic, social, and other relevant factors in program development and decision making processes.

In assessing the potential environmental impacts of its actions, Rural Development shall consult early with appropriate federal, state, and local agencies and other organizations to provide decision-makers with the technical and human aspects of environmental planning.

When adverse environmental impacts are identified, either direct or indirect, an examination shall be made of alternative courses of action including their potential environmental impacts. The objective of the environmental review shall be to develop a feasible alternative with the least adverse environmental impact. The alternative of not proceeding with the proposal shall also be considered, particularly with respect to the need for the proposal.

If no feasible alternative exists, including the no-action alternative, measures to mitigate the identified adverse environmental impacts shall be included in the proposal.

The performance of environmental reviews and the consideration of alternatives shall occur as early as possible in the Rural Development decision making process so that the Agencies will be in the most flexible and objective position to deal with these considerations. The ER must be developed concurrently with the Preliminary Engineering Report (PER).

2.2. SPECIAL POLICIES

2.2.1. IMPORTANT LAND RESOURCES

Rural Development recognizes that its specific mission of assisting rural areas, composed of farms and rural towns, goes hand-in-hand with protecting the environmental resources upon which these systems are dependent. Basic resources necessary to both farm and rural settlements include important farmlands and forestlands, prime rangelands, wetlands, and floodplains. The definition of these areas is contained in the Appendix to the Departmental Regulation 9500-3, "Land Use Policy."

Given the importance of these resources, as emphasized in the Departmental Regulation, Executive Order 11988, "Floodplain Management," and Executive Order 11990, "Protection of Wetlands," **it is Rural Development's policy not to approve or fund any proposals that, as a result of their identifiable impacts, direct or indirect, would lead to or accommodate either the conversion of these land uses or encroachment upon them.**

The only exception to this policy is if the approving official determines that there is (1) no practicable alternative to the proposed action, (2) the proposal conforms to the planning criteria identified in Cities and Counties approved comprehensive land use plans, and (3) the proposal includes all practicable measures for reducing the adverse impacts and the amount of conversion/encroachment.

2.2.2. ENDANGERED SPECIES.

Rural Development shall not authorize, fund, or carry out any proposal or project that is likely to (1) jeopardize the continued existence of any plant or wildlife species listed by the Secretary of Interior or Commerce as endangered or threatened; or (2) destroy or adversely modify the habitats of listed species when such habitats have been determined critical to the species' existence by the Secretary of Interior or Commerce, unless Rural Development has been granted an exemption for such proposal by the Endangered Species Committee pursuant to subsection (h) of Section 7 of the Endangered Species Act.

2.2.3. WILD AND SCENIC RIVERS.

Rural Development shall not provide financial assistance or plan approval for any water resource project that would have a direct and adverse effect of the values for which a river has been either included in the National Wild and Scenic Rivers System or is designated for potential addition. Additionally, Rural Development shall not approve or assist developments (commercial, industrial, residential, farming or community facilities) located below or above a wild, scenic or recreational river area, or on any stream tributary thereto which will invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area.

2.2.4. HISTORIC AND CULTURAL PROPERTIES.

At the earliest stages of consideration of an application, Rural Development shall identify any properties that are listed in, or may be eligible for listing in, the National Register of Historic Places and are located within the project's area of potential environmental impacts. Consultations will be undertaken with State Historic

Preservation Officers, appropriate Indian Tribes, and the Advisory Council on Historic Preservation.

2.2.5. WATER AND ENERGY CONSERVATION.

Rural Development shall encourage the conservation of water and energy in the development of its programs and policies and shall encourage applicants to incorporate all economically feasible water and energy saving features and designs within their proposals.

2.2.6. INTERGOVERNMENTAL INITIATIVES ON IMPORTANT LAND RESOURCES.

On a broader scale, Rural Development shall advocate, in coordination with other USDA agencies (through the USDA state-level-committee system), the retention of important farmlands and forestlands, prime rangeland, wetlands and floodplains whenever proposed conversions to other uses (1) are caused or encouraged by actions or programs of a federal agency, or (2) require licensing or approval by a federal and/or a state agency unless other needs clearly override the benefits derived from retention of such lands.

2.2.7. WATER QUALITY.

Rural Development will not provide financial assistance to any activity that would either impair a state water quality standard, including designated and/or existing beneficial uses that water quality criteria are designated to protect, or that would not meet antidegradation requirements.

2.2.8. COMPREHENSIVE PLANS AND STATEWIDE GOALS.

Washington's 1990 Growth Management Act (GMA, Chapter 36.70A RCW) requires state and local governments to manage Washington's growth by identifying and protecting critical areas and natural resource lands, designating urban growth areas, preparing comprehensive plans and implementing the through capital investment and development regulations.

The Act established state goals, set deadlines for compliance, offered direction on how to prepare local comprehensive plans and regulations and set forth requirements for early and continuous public participation. Rather than centralize planning and decision-making at the state level, the GMA gives local governments many choices regarding the specific content of comprehensive plans and implementing development regulations. This approach to growth management is unique among states.

The GMA has been amended several times, including 1996, when jurisdiction was expanded to include non-compliance with certain provisions of the Shoreline Management Act (SMA, Chapter 90.58 RCW).

The Goals and Guidelines are to be used by state and federal agencies, cities, counties, and special districts in preparing, adopting, revising and implementing comprehensive plans.

Rural Development shall not provide financial assistance for any proposal or project that is not consistent with the GMA approved City or County comprehensive plan.

3. RBS/RHS APPLICANT'S RESPONSIBILITIES

Rural Development expects prospective applicants (and in the case of the loan guarantee programs, prospective borrowers and transferees) to consider the potential environmental impacts of their requests at the earliest planning stages and to develop proposals that minimize the potential to adversely impact the environment. Prospective Rural Development applicants should contact the appropriate Rural Development Specialist to determine the Agency's environmental requirements as soon as possible after they decide to pursue Rural Development financial assistance.

Applicants for Rural Development assistance shall be required to provide information necessary for the Agency to evaluate their proposal's potential environmental impacts and alternatives to them. Form FmHA 1940-20, *Request For Environmental Information*, shall be used for obtaining environmental information from applicants whose proposals require an environmental assessment. These same applicants must notify the State Historic Preservation Officer (SHPO) of the filing of the application and provide at a minimum the following descriptive information to the SHPO at the below listed address.

- Photographs (no Xeroxes, no Polaroids) of the targeted building(s) or of the proposed site, showing architectural context of the project. The photos must clearly show the entire building or site.

- A description of the project, including preliminary work write-up, or list of improvements being considered.

- A physical description, including date of construction, of any building affected by the undertaking. If alterations have been made, they also need to be dated.

- A statement as to whether or not the building or site is identified in any local cultural resources inventory (information available from local planning departments), or is on the National Register individually, or is a "contributing" resource within a National Register district.

- Address of the property or site and a map, which clearly shows the geographic location on which the project will take place. This map should include Township, Range, and Section coordinates, and nearest cross street, labeled, or nearest intersection of roads or water courses, labeled, as appropriate.

Applicants should send this information to:

State Historic Preservation Officer
1063 S. Capital Way, Suite 106
PO Box 48343
Olympia, WA 98504-8343

Rural Development will notify applicants of the level of environmental review required for their proposal.

Applicants shall ensure that all required materials are current, sufficiently detailed, and complete, and are submitted directly to the Rural Development office processing the application. **Incomplete materials or delayed submittals may seriously jeopardize consideration or postponement of a proposed action by the Rural Development**.

During the period of application review and processing, **applicants shall not take any action with respect to their proposed undertakings which are the subject of the application and which would have an adverse impact on the environment or limit the range of alternatives**. This requirement does not preclude development by applicants of preliminary plans or designs or performance of other work necessary to support an application for federal, state, or local permits or assistance. However, the development of detailed plans and specifications is discouraged when the costs involved inhibit the realistic consideration of alternative proposals.

Applicants are required to provide public notification and may be required to fully cooperate in holding public information meetings when required as part of the environmental review.

4. RUS APPLICANT RESPONSIBILITIES

Rural Utilities Service requires applicants to prepare the applicable environmental documentation concurrent with a proposed action's engineering, planning, and design activities. The preparation of the Environmental Report (ER) by the applicant is the first step in the process by which RUS officials make decisions that are based on an understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. RUS shall assist applicants by outlining the types of information required and shall provide guidance and oversight in the development of the documentation. In all cases, the consulting engineer will be responsible for developing the ER. This can either be through a sub-contract with a firm or persons that specializes in NEPA reports, or with NEPA trained in-house talent. The preparer of the ER must have special skills and training to prepare NEPA documentation. In order to insure a minimum standard is maintained the preparer's resume must be submitted to RUS for pre-approval.

All NEPA documentation prepared for RUS projects must comply with RUS Bulletin 1794-602 ***Guide for Preparing the Environmental Report for Water and Waste Projects***. This Bulletin is available from the RUS local office or it can be downloaded from the RUS web site at **http://www.usda/rus/water/ees/index.htm.** The ER must be sufficiently detailed to enable RUS to
establish the purpose and assess the need for the proposed project; determine if all reasonable alternatives to the proposed project have been appropriately considered; evaluate the environmental effect of the proposed project and the alternatives considered; assess the significance of those effects; and specify mitigation measures where necessary. The ER is to be developed in conjunction with the Preliminary Engineering Report (PER). Even though both documents may share some of the same information, each document must be a stand-alone document. That is to say, duplicate information may not be included in the ER from the PER by reference only, but must be reproduced in the ER.

The environmental review process requires the early coordination and involvement of RUS. Applicants should consult with RUS at the earliest stages of planning for any proposal that may require RUS action. Documentation shall not be considered complete until a Biological Assessment or other studies, if required, have been completed.

In carrying out its responsibilities under NEPA, RUS will make diligent efforts to involve the public in the environmental review process through public notices and public hearings and meetings. RUS will develop all public notices and will direct the applicants when to publish them.

Once an ER has been prepared by the applicant and accepted by RUS, the proposed action will be classified as either:

- Categorical Exclusion requiring an ER,
- Environmental Assessment (EA),
- Environmental Assessment with Scoping,

RUS Staff will determine these classifications.

RUS may adopt a Federal EA, or EIS, or a portion thereof, as it's EA. RUS shall make the EA available and assure that notice is provided in the same manner as if RUS had prepared the EA.

FEDERAL AND STATE LAWS, REGULATIONS, STANDARDS OR PROCEDURES THAT PROTECT DESIGNATED, IMPORTANT LAND USES AND ENVIRONMENTAL RESOURCES WITHIN THE STATE.

Following is a listing of important land uses or features as well as environmental and cultural resources that have been designated by federal and state agencies as deserving of some form of protection, conservation or other designated level of consideration. The materials that follow specify:

- the designated resource,
- the level or degree of protection to be afforded the resource,
- federal, state, and local agencies having jurisdiction or special expertise that should be contacted for assistance and
- a brief description of where to obtain information regarding location(s) of the resource within the state.

When federal, state, or local designations overlap, the most restrictive standard applies.

1.0. AIR QUALITY

1.1. Level of Protection

Federal

Clean Air Act of 1970, as amended.

The legal authority for efforts to improve air quality and to lessen human exposure to polluted air stems principally from the Clean Air Act of 1970, as amended 1971, 1977 and 1990. In particular, the primary air quality standards are set by the EPA. States must institute air pollution regulations which at least satisfy minimum federal standards, such as prohibiting development that will cause air quality to deteriorate below the standards, and mandating cleanup measures where violations are registered. Each state is required to prepare and submit a State Implementation Plan (SIP) that describes how the state will meet the primary and secondary national ambient air quality standards, and generally provides for implementation, maintenance and enforcement of the standards.

Consideration of air quality impacts is often a difficult and highly technical undertaking, involving different standards for different types of emissions and development. For purposes of the environmental assessment, the task can begin with a few simple questions. Are the project users particularly sensitive to existing or potential air pollution levels? Will the project generate sizeable traffic? Does the project require an installation permit, operating permit, or indirect source permit? Is the project located in the vicinity of a monitoring station where air quality violations have been registered? The first and second questions focus on site suitability for human occupancy. The other issues usually are addressed in determining whether the project is in compliance with the SIP.

State

State Air Quality Standards - The Clean Air Act contains provisions for prevention of significant deterioration of air quality. Strict standards allow only minimal degradation of air quality in or near Class I areas (Chapter 173.400 WAC) and moderate degradation of air quality in Class II areas. In Washington, there are currently 8 wilderness areas and the Spokane Indian Reservation listed as Class I. There are no Class II designated areas except for the "non-attainment" areas in and around Seattle, Tacoma, Spokane, Vancouver, Longview, Yakima, Kent, and Renton.

Project applicants should consult with Washington State Department of Ecology (DOE) to ensure compliance with applicable air quality regulations. Violations of air quality standards have been recorded in rural areas of the state. Common causes of these violations include area sources such as dust (soil and road dust), open burning (agricultural open burning, field burning, and slash burning), agricultural tilling, residential wood space heating, and motor vehicles.

Local

Applicable city or county ordinances.

1.2. Agency Jurisdiction

Federal

US Environmental Protection Agency (EPA)
1200 Sixth Avenue, OAQ 107
Seattle, WA 98101
(206) 553-6706
http://www.epa.gov/region10

State

Washington State Department of Ecology
Air Quality Program
PO Box 47600
Olympia, WA 98504-7600
(360) 407-6800
http://www.ecy.wa.gov/programs/air/airhome.html

For assistance on local Air Pollution Control Authorities contact:

http://www.ecy.wa.gov/programs/air/local.html

*Large construction projects need to check with DOE (or local clean air authority) to ascertain whether a "Notice of Construction" (NOC) permit is required. This notice is applicable to both the construction phase and the permanent facility.

1.3. Location of Resource

Contact the Air Pollution Control office located nearest to the project area. For office locations, call WDOE Headquarters office in Olympia at (360) 407-6800, or use the WDOE Web Site: **http://www.ecy.wa.gov/programs/air/local.html**

For projects located on tribal lands, the Clean Air Act is administered by the EPA, call (206) 553-4303, or go to: **http://www.epa.gov/region10**

2.0. COASTAL RESOURCES

2.1. Level of Protection

Federal

Coastal Zone Management Act of 1972, as amended.

The Act finds that it is national policy:

- to preserve, protect, develop, and where possible to restore or enhance, the resources of the nation's coastal zone for this and succeeding generations;
- to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and aesthetic values as well as to needs for economic development;
- to encourage the preparation of special area management plans which provide for increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas, and improved predictability in governmental decision making; and
- to encourage the participation and cooperation of the public, state, and local governments, and interstate and other regional agencies, as well as of the federal agencies having programs affecting the coastal zone, in carrying out the purposes of this title.

The CZMA is administered by the National Oceanic and Atmospheric Administration (NOAA), but allows states to assume the primary role in managing these areas. To assume this role, the state prepares a Coastal Zone Management Program (CZMP) document that describes the State's coastal resources and how these resources are managed. This unique state-federal partnership leaves day-to-day management decisions at the state level.

State

Washington was the first state to receive federal approval of a Coastal Program in 1976. Washington Department of Ecology (DOE) administers the Washington Coastal Management Program (CZMP) relating to the consistency with the CZM Act. In February 2001, DOE published a new, federally approved Coastal Program Document, Ecology publication # 00-06-029.

The Department of Ecology's Shorelands and Environmental Assistance Program is responsible for implementing Washington's CZM Program.. Washington's CZMP defines the State's coastal zone to include the 15 counties with marine shorelines: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San

Juan, Skagit, Snohomish, Thurston, Wahkiakum, and Whatcom counties. The CZMP applies to activities within the 15 counties as well as activities outside these counties, which may impact Washington's coastal resources. Most, but not all, activities and development outside the coastal zone are presumed to NOT impact coastal resources.

DOE works with local governments who develop plans and permitting strategies aimed at maintaining and improving shoreline quality, while a the same time allowing for reasonable and appropriate shoreline uses.

Federal Consistency

Under Washington's CZMP, activities that affect any land use, water use or natural resource of the coastal zone must comply with six laws identified in the Coastal Program document. Those laws are called "enforceable policies". The six laws are:

- Shoreline Management Act (including local government shoreline master programs)
- State Environmental Policy Act (SEPA)
- Clean Water Act
- Clean Air Act
- Energy Facility Site Evaluation Council (EFSEC)
- Ocean Resource Management Act (ORMA)

Activities and development affecting coastal resources which involve the federal government evaluate compliance through a process called **"federal consistency."** This process allows the public, local governments, Tribes, and state agencies an opportunity to influence federal actions likely to affect Washington's coastal resources or uses. There are three categories of activities that trigger a federal consistency review:

1) activities undertaken by a federal agency,
2) activities which require federal approval, and
3) activities which use federal funding.

If a project falls into one of these categories AND is either in the coastal zone or it impacts coastal resources, then the federal consistency process is triggered.

State, local or tribal government agencies seeking federal funding for all or part of an activity that affects the coastal zone must review the activity for compliance with CZMP's enforceable policies and prepare a "federal consistency certification".
This certification describes the activity and whether the activity impacts coastal resources. If the activity impacts coast uses or resources, a statement must be provided that the activity is consistent with CZMP's enforceable policies.

Federal agencies can not approve grants or loans for activities that are inconsistent with the CZMP.

Rural Development funded projects located within Washington's Coastal Zone are subject to the Coastal Zone Management Act of 1972. The Act is intended to protect both freshwater and marine coastal areas from environmental degradation. The Act applies to all 15 counties, collectively referred to as the "CZM" area, that border the 3,026 miles of marine shoreline. Typically, Single Family Housing projects are not reviewed by DOE, unless the dwelling unit is located within 200 feet of an affected body of water.

Shoreline Management Act

The Washington State Shoreline Management Act (SMA) was adopted through a citizen referendum in 1972.

The Act applies throughout the state, to all marine waters, submerged tidelands, lakes over 20 acres, and all streams with a mean annual flow greater than 20 cubic feet per second. Marshes, bogs, and swamps associated with the lakes, streams, and marine waters are also included, as is a 200-foot wide shoreline area landward from the water's edge. The primary intent of the SMA is to ensure that "...development of these shorelines...will promote and enhance the public interest."

The Act directs that this goal shall be attained through the protection of natural shorelines, and through encouragement of water-related and water-dependent uses.
The underlying goal is to find an equitable balance between uses that allow for reasonable development and economic activity while affording preference to preserving the public's access and enjoyment of the state's shorelines.

National Marine Sanctuary Area

The DOE (Coastal Zone Management Division) has designated the Olympic Coast as a National Marine Sanctuary.

<u>Local</u>

Local master programs

The Shoreline Management Act regulates activity through local shoreline master programs. These programs are written by local governments with policy guidance from DOE. Master programs are not all alike, local communities adapt their programs to meet their specific physical characteristics and economic needs. Each local master program is a combined planning and regulatory document - it includes goals, objectives, and policy statements, combined with specific land use regulations.

Cities and counties update and refine these documents as necessary, with substantial public involvement. Once adopted by the local government, proposed amendments are submitted to Ecology for review.

Master program policies are implemented through the "shoreline substantial development permit" process. Permits are issued by local governments, with review by DOE. DOE provides technical assistance to local governments on administering and enforcing shoreline programs.

RD projects will comply with the requirements of the SMA and applicants must demonstrate compliance as part of their application.

2.2. Agency Jurisdiction

Federal

US Department of Commerce
NOAA, Office of Ocean and Coastal Resource Management
Coastal Zone Management Program
1315 East-West Highway
Silver Springs, MD 20910
(301) 713-3155
http://www.noaa.gov/coasts.html

State

The Shorelands and Environmental Assistance Program
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
(360) 407-65278
http://www.ecy.wa.gov/programs/sea/shorelan.html

Local

City or county Governments.

3.0. ENDANGERED AND THREATENED SPECIES, CRITICAL HABITAT, AND WILDLIFE

3.1. Level of Protection

Federal

Endangered Species Act of 1973, as amended (16 USC 1531).

USDA Departmental Regulation 9500-004 states Agency policies with respect to the management of fish and wildlife and their habitats and prescribes specific actions for implementation of those polices. Rural Development will not authorize, fund, or carry out any proposal or project that is likely to; jeopardize the continued existence of any plant or wildlife species listed by the Secretary of Interior or Commerce as endangered or threatened or destroy or adversely modify the habitats of listed species when such habitats have been determined critical to the species' existence by the Secretary of Interior or Commerce, unless Rural Development has been granted an exemption for such proposal by the Endangered Species Committee pursuant to subsection (h) of Section 7 of the Endangered Species Act (ESA).

RD officials must review a proposed action prior to approval to determine whether or not listed, or proposed for listing, species may be affected. Section 7(a)(2) of the ESA requires RD to consult with the US Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) for any actions that may affect listed species. Consultations may be informal, or formal, depending on results of a Biological Assessment. In addition to the ESA, federal agencies are required to comply with the Magnuson-Stevens Fishery Conservation & Management Act (MSA), specifically the Essential Fish Habitat (EFH) provisions, when applicable. EFH has been approved for groundfish (e.g. flounder), coastal pelagics (sardines and anchovies), and pacific coast salmon (chinook, coho). Compliance will involve a separate but simultaneous consultation process with the NMFS, and the EFH effects will need to be assessed and documented in a separate section within the Biological Assessment.

State

Washington Department of Fish and Wildlife

RD supports the policies of the Washington State Department of Fish and Wildlife and the Washington Department of Natural Resources relating to protection of species and significant heritage resources. In addition, RD and the State advocate the preservation of special plant and animal species.

The Washington Department of Fish and Wildlife (WDFW) publishes a Priority Habitats and Species (PHS) list and a Species of Concern (SOC) list. The PHS List is a catalog of habitats and species considered priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority species include State Endangered,

Threatened, Sensitive, and Candidate species; animal aggregations considered vulnerable; and those species of recreational, commercial, or tribal importance that are vulnerable. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. There are 18 habitat types, 140 vertebrate species, 28 invertebrate species, and 14 species groups currently on the PHS List. These constitute about 16% of Washington's approximately 1000 vertebrate species and a fraction of the state's invertebrate fauna.

PHS is the principal means by which WDFW provides important fish, wildlife, and habitat information to local governments, state and federal agencies, private landowners and consultants, and tribal biologists for land use planning purposes. PHS is the agency's primary means of transferring fish and wildlife information from resource experts to those who can protect habitat. PHS information is used to screen Forest Practice Applications; Hydraulic Project Applications; and SEPA reviews; by a majority of cities and counties to meet the requirements of the Growth Management Act; for the development of Habitat Conservation Plans on state, federal, and private lands; by state, federal, and tribal governments for landscape-level planning and ecosystem management; for statewide oil spill prevention planning and response.

The PHS List identifies and defines which species and habitats are priorities, and it outlines criteria used for choosing them. Nearly 2,000 state-of-the-art Geographic Information System (GIS) maps display locations and extent of priority species and habitats on 29 million acres in Washington State.

The SOC List, published by the Wildlife Management Program, includes only native Washington Fish and Wildlife species that are listed as Endangered, Threatened, or Sensitive, or as Candidates for these designations. Endangered, Threatened, and Sensitive species are legally established in Washington Administrative Codes. Candidate species are established by WDFW policy. There are currently 24 Endangered, 11 Threatened, 4 Sensitive, and 103 Candidate species on the SOC List.

Washington State Department of Natural Resources

Washington Natural Heritage Program (WNHP) was established by the Legislature in 1981 to help prevent further loss of the natural ecosystems within the diverse lands of the State. The WNHP collects data about existing native ecosystems and species to provide an objective, scientific basis from which to determine protection needs. The program also develops and recommends strategies for protection of the native ecosystems and species most threatened in Washington. The information is used by landowners, state and federal government agencies, consulting firms, planning departments, and conservation groups to support the state's environmental and economic health.

Local

City or county Comprehensive Plans.

2.1. Agency Jurisdiction

Federal

Western Washington projects contact:

Ken S. Berg, Manager
United States Department of Interior
US Fish and Wildlife Service
Western Washington Office
510 Desmond Drive, Suite 102
Lacey, WA 98503
(360) 753-9440
http://westernwashington.fws.gov/se/SE_List/endangered_Species.asp

Eastern Washington projects contact:

Susan Martin, Manager
United States Department of Interior
Upper Columbia Fish and Wildlife Office
11103 E. Montgomery Drive, Suite 2
Spokane, WA 99206
(509) 891-6839
http://pacific.fws.gov/ecoservices/offices/spokane.htm

NMFS contact for all of Washington:

Steven W. Landino, Habitat Branch Chief
US Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Habitat Program/Olympia Field Office
510 Desmond Drive SE, Suite 500
Lacey, Washington 98503
(360) 753-9530
http://www.nwr.noaa.gov

State

Washington Department of Fish and Wildlife
WDFW Main Office (for animals/fish)
600 Capitol Way N.
Olympia, WA 98501
(360) 902-2200 (Information)
(360) 902-2534 (Habitat Program)
http://wdfw.wa.gov/

Sandy Swope Moody (for plants)
Washington Natural Heritage Program
Department of Natural Resources
PO Box 47014
Olympia, WA 98504-7014
(360) 902-1667
http://www.dnr.wa.gov/nhp/

Local
City or County governments.

2.2. Location of Resource

Refer to the "Pacific Region Listed Species by State," available on the U.S. Fish and Wildlife Service, Region 1, Division of Endangered Species Web Site at:

http://pacific.fws.gov/ecoservices/

and the National Marine Fisheries, Northwest Region, Web Site at:

http://www.nwr.noaa.gov

Consult with appropriate federal and state agency officials. Refer to **Appendix 3**, *Biological Survey/Assessment Requirements*, for specific information on notifying the FWS and the NMFS, requesting species lists, and guide for completing a Biological Survey/Assessment.

Additional information regarding the Magnuson-Stevens Fish Conservation and Management Act (MSA) and Essential Fish Habitat (EFH) can be viewed at:

http://www.nwr.noaa.gov/1habcon/habweb/msa.htm

See WDFW Web Site for directory of regional field offices and staff.

Questions regarding the Species of Concern List can be directed to the WDFW Endangered Species Section at **(360) 902-2515**, or visit the SOC Website at:

http://wdfw.wa.gov/hab/phslist.htm

To obtain PHS data and for answers to questions regarding priority habitats and species, please call **(360) 902-2543**, or visit the PHS Website at:

http://www.wdfw.wa.gov/hab/phslist.htm

Refer to applicable city or county comprehensive plans regarding resource inventories and locations.

4.0. FARMLAND

4.1. Level of Protection

Federal

Farmland Protection Policy Act, USDA Departmental Regulation 9500-3, "Land Use Policy," and Public Law 99-198, Food Security Act of 1985, "Highly Erodible Land Conservation."

Rural Development shall advocate, in coordination with other USDA agencies, the retention of important farmlands whenever proposed conversions to other uses are (1) caused or encouraged by actions or programs of a federal agency, or (2) require licensing or approval by a federal agency, unless other needs clearly override the benefits derived from the retention of such lands.

Definitions

Definitions of Important Farmlands are found in USDA Department Regulation (DR) 9500-3, dated March 22, 1983. DR 9500-3 is included in Rural Development Instruction 1940-G as Exhibit A. The definitions are summarized as follows:

Prime Farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion, as determined by the Secretary. Prime Farmland includes land that possesses the above characteristics but is being used currently to produce livestock feed, and timber. It does not include land already in or committed to urban development or water storage.

Unique Farmland is land other than Prime Farmland that is used for production of specific high-value food and fiber crops, as determined by the Secretary. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables.

Additional Farmland of Statewide Importance is land in addition to Prime and Unique Farmlands that is of statewide importance for the production of food, feed, fiber, forage, and oil seed crops. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods.

State and Local

Applicable city or county comprehensive plans.

4.2. Agency Jurisdiction

Federal

USDA Natural Resources Conservation Service (NRCS)
316 W. Boone, Suite 450
Spokane, WA 99201-2348
(509) 323-2900
http://www.wa.nrcs.usda.gov/

Consult with NRCS for soil designation, land capability classifications, soil survey maps, and determinations of "Important Farmland." "Prime Rangeland" is not found in Washington State. For NRCS Service Center locations, call the NRCS State Office in Spokane or see the Washington NRCS Web Site:

http://www.wa.nrcs.usda.gov/

State

Washington State Conservation Commission
PO Box 47721
Olympia, WA 98504-7721
(360) 407-6200
http://www.scc.wa.gov/index.html

Local

City or county governments.

4.3. Location of Resource

In Eastern Washington, generally, most tilled or orchard land is considered "Prime," "Unique Farmland," or "Farmland of State Importance" as rated by the NRCS Soil Capability Classification System. Similarly, all low lying pasture and meadowland in Western Washington is designated as "Important Farmland," if not classified as "Prime Forestland."

Refer to Soil Surveys and Maps of Important Farmlands published by and available from USDA Natural Resources Conservation Service.

All of Western Washington was at one time considered as "Prime Forestland" and with few exceptions still holds that classification. Eastern Washington also has "Prime Forestland" where rainfall exceeds 20" per year and the area is covered with a forested canopy.

Refer to the applicable city or county comprehensive plans local designations.

5.0 FLOODPLAINS AND AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

5.1. Level of Protection

Federal

Executive Order 11988 Floodplain Management and USDA Departmental Regulation 9500-3 "Land Use Policy."
National Flood Insurance Reform Act (NFIRA) of 1994

Projects must comply with Executive Order 11988, Floodplain Management, and U.S. Department of Agriculture Regulation 9500-3, Land Use Policy. Their objective is to **avoid to the extent possible the long-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practical alternative. Rural Development policy is not to approve or fund any proposals that, as a result of identifiable impacts, direct or indirect, would lead to or accommodate either the conversion of these land uses or encroach upon them. Rural Development further recognizes that there are practical alternatives to floodplain development in all but the most unusual circumstances.**

Hazardous storage facilities and critical facilities such as schools, hospitals, nursing homes, emergency centers, and multi-family housing facilities primarily for elderly or handicapped shall be located outside of the 500-year floodplain. Other structures shall be located outside of the 100-year floodplain.

The US Army Corps of Engineers regulates obstructions or alterations of navigable waters of the United States under Section 10 of the River and Harbors Act, and the discharge of dredged or fill material into waters of the United States through Section 404 of the Clean Water Act. These authorities require permits for placement of any structure within the mean high watermark of navigable waterways and placement of dredged or fill material within the mean high water mark and adjacent wetlands and tributaries of all waters of the United States.

State

Flood Control Act of 1935, as amended, Title 86, RCW

Areas of natural disasters and hazards are areas that are subject to natural events that are known to result in the death or endanger the works of humans, such as stream flooding, ocean flooding, ground water, erosion and deposition, landslides, weak foundation soils, earthquakes, and other hazards unique to local or regional areas.

Local

Applicable city or county comprehensive plans.

5.2 Agency Jurisdiction

Federal

Federal Emergency Management Agency (FEMA)
Federal Regional Center (Region X)
Flood Insurance and Mitigation Division
130 228th Street, SW
Bothell, WA 98021-9796
(425) 487-4651
http://www.fema.gov

To order FEMA Maps call 1-800-358-9616

US Army Corps of Engineers
Seattle District Office
PO Box 3755
Seattle, Washington 98124-3755
(206) 764-3742
http://www.nws.usace.army.mil/index.cfm

State

SEA* Program Coordinator
Washington State Department of Ecology
PO Box 47690
Olympia, WA 98504-7690
(360) 407-7297
http://www.ecy.wa.gov/programs/sea/shorelan.html

Local

City or county governments.

5.3 Location of Resource

Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) show the boundary of 100-year and 500-year flood plains. On-line copies of all flood plain maps are now available on the FEMA Web Site at **http://store.msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1** by clicking on The FEMA Map Store link (**note**: currently Internet Explorer 5.0 or higher, or Netscape Navigator 6.2.0 or higher must be used in order to print map documents).

FEMA flood plain maps are available at the FEMA office listed above. Rural Development Service Centers also have these maps available for review for their respective service areas.

Use of FEMA Form 81-93, Standard Floor Hazard Determination (SFHDF), is required by the NFIRA. NFIRA also requires Federal agency lenders to develop regulations requiring the use of the form..

See RD AN No. 4002 for implementation responsibilities for the RUS, RBS, and RHS programs. For all programs subject to RD Instruction 1940-G, the completed SFHDF must be completed in conjunction with and attached to Form RD 1940-22, Environmental Checklist for Categorical Exclusions, or included in the Class I or Class II Environmental Assessment. For RUS programs subject to 7 CFR 1794, the completed SFHDF should be attached as an exhibit to the Environmental Report for Categorical Exclusions or the Environmental Report.

Also, refer to applicable city or county comprehensive Flood Hazard Management plans, Flood Hazard Prevention Ordinances, Shoreline Master Plans, and Critical Areas Ordinances.

* Shorelands and Environmental Assistance (SEA)

6.0. FORESTLAND

6.1. Level of Protection

Federal

USDA Departmental Regulation 9500-3, "Land Use Policy." Rural Development shall avoid the unwarranted conversion of Prime Forestland. Rural Development shall advocate, in coordination with other USDA agencies, the retention of Prime Forestlands whenever proposed conversions to other uses are (1) caused or encouraged by actions or programs of a Federal Agency, or (2) require licensing or approval by a federal agency, unless other needs clearly override the benefits derived from retention of such land.

Definitions of timberland are found in USDA Departmental Regulation 9500-3. DR 9500-3 is included in Rural Development Instruction 1940-G as Exhibit A. Definitions are as follows:

Prime Timberland is land that has soil capable of growing wood at the rate of 85 cubic feet or more/acre/year (at culmination of mean annual increment) in natural stands and is not in urban or built-up land uses or water. Generally speaking, this is land currently in forest, but does not exclude qualifying lands that could realistically be returned to forest.

Unique Timberland is land that does not qualify as prime timberland on the basis of producing less than 85 cubic feet/acre/year, but is growing sustained yields of specific high value species or species capable of producing specialized wood products under a silvicultural system that maintains soil productivity and protects water quality.

Timberland of Statewide Importance is land, in addition to Prime and Unique Timberlands that is of statewide importance for the growing of wood. Criteria for defining and delineating these lands are to be determined by State Forestry planning committee or appropriate State organizations.

State

Washington Forest Practices Act (Chapter 76.09 RCW) - The Washington Department of Natural Resources is charged with enforcement of the Act and achieving coordination among all state agencies concerned with the forest environment. The Act regulates activities related to growing, harvesting or processing timber, including Christmas trees, on all local government, state, and private forestlands. Practices related to clearing forestland for change to non-forest use and road construction or maintenance are additional areas covered under the Act. Information on the requirements of the Washington Forest Practices Act is available DNR Web Site (see below).

Local

Applicable city or county comprehensive plans.

6.2. Agency Jurisdiction

Federal

For Forest Service-managed land, consult with the Forest Supervisor for the affected forest or consult with:

USDA Forest Service
Pacific Northwest Regional Office
PO Box 3623
Portland, OR 97208-3623
(333 SW First Avenue, Robert Duncan Plaza)
(503) 808-2165
http://www.fs.fed.us/r6/welcome.shtml

For Bureau of Land Management (BLM)-managed land, consult with the BLM District Office located closest to the affected land or consult with:

Bureau of Land Management (BLM)
Spokane District Office
1103 N. Fancher
Spokane, WA 99212-1275
(509) 536-1200
http://www.or.blm.gov/Spokane/

For National Park Service-managed land, consult with the Park Supervisor for the affected park. See the National Park Service Web Site for National Park locations in Washington: **http://www.nps.gov**

For privately-owned forestlands, consult with Natural Resources Conservation Service (NRCS). For NRCS Service Center locations, call the NRCS State Office in Spokane or see the Washington NRCS Web Site:

USDA Natural Resources Conservation Service (NRCS)
316 W. Boone, Suite 450
Spokane, WA 99201-2348
(509) 323-2900
http://www.wa.nrcs.usda.gov/

State

For projects affecting state-owned forestlands and for compliance with the Washington Forest Practices Act consult with:

Washington Department of Natural Resources
Washington Forest Practices
PO Box 47012
Olympia, WA 98504-7012
(360) 902-1400
http://www.dnr.wa.gov/forestpractices/

6.3. Location of Resource

Consult with the USDA Forest Service, Bureau of Land Management, or National Park Service for assistance in determining if forestland is prime, unique or of statewide importance on land under their respective jurisdictions.

Consult with USDA Natural Resources Conservation Service (NRCS) for assistance on privately-owned forestlands.

Consult with the Washington Department of Natural Resources for assistance on state-owned, local or private-owned forestlands.

7.0. HISTORIC & ARCHAEOLOGICAL PRESERVATION

7.1. Level of Protection

Federal

National Historic Preservation Act (NHPA) of 1966, (16 USC 470), as amended, and Archaeological and Historic Preservation Act of 1974 (16 USC 469).

Executive Order 13287 of March 3, 2003

Section 106 of NHPA granted legal status to historic preservation in Federal planning, decision-making, and project execution. Section 106 requires all Federal agencies to take into account effects of their actions on historic properties, and provide the Council with a reasonable opportunity to comment on those actions and manner in which Federal agencies are taking historic properties into account in their decisions.

At the earliest stages of consideration of an application, Rural Development shall identify any properties that are listed in, or may be eligible for listing in, the National Register of Historic Places and are located within the project's area of potential environmental impacts. Consultation will be undertaken with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), and the Advisory Council on Historic Preservation, in order to determine the most appropriate course of action for protecting such identified properties or mitigating potential adverse actions.

State

State regulations require the same consultation, identification and preservation process as stated above for the Federal requirements. The State requires preservation of historic places listed on either the National Register of Historic Places or the Washington State Register of Historic Places. The Office of Archaeology and Historic Preservation (OAHP) is the State primary agency with knowledge and expertise in historic preservation. The preservation of Washington's irreplaceable historic and cultural resources, significant buildings, structures, sites, objects, and districts, are assets for the future and their protection our shared heritage.

Local

City or county comprehensive plans.

7.2. Agency Jurisdiction

Federal

Advisory Council on Historic Preservation
Western Office of Project Review
12136 West Bayaud Avenue, Suite 330
Lakewood, CO 80228
(303) 969-5110 FAX (303) 969-5115
http://www.achp.gov/staff.html

US Department of Interior, National Park Service
Pacific Great Basin System Support Office
Cultural Resource Team
One Jackson Center
1111 Jackson Street, Suite 600
Oakland, CA 94607
(503) 817-1404
http://www.nps.gov

State

Washington State Office of Archaeology & Historic Preservation
State Historic Preservation Officer (SHPO)
1063 S. Capital Way, Suite 106
PO Box 48343
Olympia, WA 98504-8343
(360) 586-3064
FAX (360) 586-3067
http://www.oahp.wa.gov/

Tribal

In 1992, the U.S. Congress adopted amendments to the National Historic Preservation Act (PL 102-575) that allow federally recognized Indian tribes to take on more formal responsibility for the preservation of significant historic properties on tribal lands. Specifically, Section 101(d)(2) allows tribes to assume any or all of the functions of a State Historic Preservation Officer (SHPO) with respect to tribal land. The decision to participate or not participate in the program rests with the tribe.

As a formal participant in the national historic preservation program, a tribe may assume official responsibility for a number of functions aimed at the preservation of significant historic properties. Those functions include identifying and maintaining inventories of culturally significant properties, nominating properties to national and tribal registers of historic places, conducting Section 106 reviews of Federal agency projects on tribal lands, and conducting educational programs on the importance of preserving historic properties.

The Federal agency must consult a designated representative of the tribe in addition to the SHPO during review of projects occurring on, or affecting historic properties on, their tribal lands. The designated representatives of these tribes are included within the term "THPO" in the Council's regulations. The Bureau of Indian Affairs and the National Park Service can provide initial contact information for these tribes.

Federal agencies must also consult with Indian tribes that attach religious and cultural significance to historic properties, regardless of their location. The Native American Consultation Database (NACD) is a useful tool for identifying consultation contacts for each Indian tribe, Alaskan Native corporation, and Native Hawaiian organization.

http://web.cast.uark.edu/other/nps/nacd/

For a complete list of the twenty-nine (29) Federally recognized tribes in Washington State, and current contact information, go to the following website:

Governor's Office of Indian Affairs
State of Washington
1531 15th Ave SE
PO Box 40909
(360) 753-2411
Fax: (360) 586-3653
http://www.goia.wa.gov/directory/toc.html

To ensure that all appropriate tribes are contacted, other information sources should be consulted as needed, such as State Archeologist, Robert G. Whitlam, Ph.D. at:

http://www.oahp.wa.gov/pages/Archaeology/ArchaeologyOverview.htm

Currently six (6) Washington State tribes have a Tribal Historical Preservation Officer; the Confederate Colville Tribes, Lummi Nation, The Makah Tribe, Skokomish Indian Tribe, Spokane Tribe of Indians, and Squaxin Island Tribe. To find the address and name of each THPO, go to the following National Association of Tribal Historic Preservation Officers website:

http://www.nathpo.org/map.html

Additional information on tribes is available from the Bureau of Indian Affairs. The BIA website as well as the BIA mail servers have been made temporarily unavailable due to the Cobell Litigation.

Local

City or county Governments.

7.3 Location of Resource

- To determine locations, check with the National Register of Historic Places published by the US Department of the Interior, National Park Service. The Register National Information System database can be access through the National Parks Service Web Site: **http://www.cr.nps.gov/nr/research/nris.htm**

- Consult with the State Historic Preservation Officer and appropriate Tribal Historic Preservation Officer.

8(a). NATURAL LANDMARKS

8(a).1. Level of Protection

Federal

National Natural Landmarks (NNL) Program was established on May 18, 1962, under the authority of the Historic Sites Act of 1935 (16 U.S.C. 461-467). The purpose of the Natural Landmarks Program is to identify and encourage the preservation of nationally significant examples of the full range of ecological and geological features that constitute the nation's natural heritage.

The Bureau of Land Management designates Outstanding Natural Areas, Research Natural Areas and/or Areas of Critical Environmental Concern which are comparable in value and program intent to National Natural Landmarks.

Rural Development will consider the existence and location of natural landmarks when performing environmental reviews. Rural Development should not authorize, fund, or carry out any proposal or project which would adversely affect he unique values and benefits of designated or nominated NNL.

State

Washington State Department of Natural Resources manages two types of natural areas within the State: Natural Resources Conservation Areas (NRCA) and Natural Areas Preserves (NAP).

Natural Areas Preserves (NAP) protect the best remaining examples of many ecological communities including rare plant and animal habitat. The preserve system presently includes 26,400 acres in forty-seven sites distributed throughout the state. In eastern Washington, habitats protected on preserves include outstanding examples of arid land shrub-steppe, grasslands, vernal ponds, oak woodlands, sub-alpine meadows and forest, ponderosa pine forests, and rare plant habitats. Western Washington preserves include five large coastal preserves supporting high quality wetlands, salt marshes, and forested buffers. Other habitats include mounded prairies, sphagnum bogs, natural forest remnants, and grassland balds. Preserves range 8 acres to 3500 acres in size.

In 1987, the legislature created an additional state land designation for properties to be managed for conservation purposes. Properties in this category are called Natural Resources Conservation Areas (NRCAs). NRCA protect outstanding examples of native ecosystems, habitat for endangered, threatened and sensitive plants and animals, and scenic landscapes. The four original sites designated as NRCAs by the Legislature were Cypress Island in Skagit County, Dishman Hills in Spokane County, Mount Si in King County and Woodard Bay in Thurston County.

Habitats protected in NRCAs include coastal and high elevation forests, alpine lakes, wetlands, scenic vistas, nesting birds of prey, rocky headlands, and unique plant communities. Critical habitat is provided for many plant and animal species, including rare species. Conservation areas also protect geologic, cultural, historic, and archeological sites. Twenty-five sites total more than 80,500 acres of conservation areas in Washington.

Washington Natural Heritage Program (WNHP) was established by the Legislature within the Department of Natural Resources in 1981 to help prevent further loss of component ecosystems of different regions which are diverse and provide the state with a rich storehouse of natural systems, elements which may prove invaluable to future generations in ways currently unforeseen.

The WNHP collects data about existing native ecosystems and species to provide an objective, scientific basis from which to determine protection needs. The program also develops and recommends strategies for protection of the native ecosystems and species most threatened in Washington. This information is then used by landowners, state and federal government agencies, consulting firms, planning departments, and conservation groups to support the state's environmental and economic health.

Local

City or county comprehensive plans.

8(a).2. Agency Jurisdiction

Federal

US Department of Interior
National Park Service
Columbia Cascades Systems Support
909 First Avenue
Seattle, WA 98104-1060
(206) 220-4264
http://www.nps.gov/ccso

For Bureau of Land Management-administered lands, consult with the appropriate BLM District office or with the BLM State Office:

US Department of the Interior
Bureau of Land Management (BLM)
Spokane District Office
1103 N. Fancher
Spokane, WA 99212-1275
(509) 536-1200
http://www.or.blm.gov/spokane/

State

Sandy Swope Moody
Washington Natural Heritage Program
Department of Natural Resources
PO Box 47014
Olympia, WA 98504-7014
(360) 902-1667
http://www.dnr.wa.gov/nhp/

Local

City or county governments.

8(a).3. Location of Resource

Federal

Natural Landmarks as listed in the most current Registry of Natural Landmarks for Washington State. Seventeen Natural Landmarks are listed, for complete list, description and map of locations see web site:

http://www.nps.gov/ccso/nnl/nnlw.htm
or
http://www.nature.nps.gov/nnl/Registry/USA_Map/States/Washington/washington.htm

State.

Same landmarks are protected as listed under federal. For locations of Washington Natural Area Preserves and Washington Natural Heritage Program see web site:

http://www.dnr.wa.gov/nap/index.html

8(b). NATIONAL PARK SERVICE SYSTEM UNITS

8(b).1. Level of Protection

Federal

The National Park System has numerous designations within the National Park System. These units are created by Congressional legislation authorizing the sites or by the President, who proclaims "national monuments" under the Antiquities Act of 1966. Many names are descriptive---lakeshores, seashores, battlefields, but others cannot be neatly categorized because of the diversity of the resources within them. In 1970, Congress elaborated on the 1916 National Park Service Organic Act, saying all units of the system have equal legal standing in a national system.

Rural Development policy is to not authorize, fund, or carry out any proposal that, as a result of identifiable impacts, direct or indirect, would lead to or accommodate either the conversion of these land uses or encroachment upon them. Whenever a proposed action is determined to have a potential for impacting a NPS Unit, or State Park, the National Park Service, U.S. Forest Service, or Bureau of Land Management, or Washington State Parks and Recreation should be consulted as early in the environmental analysis process as possible to evaluate the possible consequences of and protection requirements necessary concerning the action.

State

The Washington State Parks and Recreation Commission manages a diverse system of 125 parks and a variety of recreation programs, including boating, cross-country skiing and snowmobiling. The agency is headquartered in Olympia, Wash., and operates regional offices in Wenatchee (Eastern region), Burlington
(Northwest region), Auburn (Puget Sound region) and Olympia (Southwest region).
The Washington State Parks and Recreation Commission acquires, operates, enhances and protects a diverse system of recreational, cultural, historical and natural sites.

8(b).2. Agency Jurisdiction

Federal

U.S. Department of Interior
National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607
(510) 817-1300
http://www.nps.gov/parks.html

U.S. Department of Agriculture
Forest Service
Pacific Northwest Regional Office
P.O. Box 3623
Portland, OR 97208-3623
(503) 808-2922
http://www.fs.fed.us/r6/r6nf.htm

U.S. Department of Interior
Bureau of Land Management
Spokane District Office
1103 N. Fancher
Spokane, WA 99212-1275
(509) 536-1200
http://www.or.blm.gov/spokane/

State

Washington State Parks and Recreation Commission
P.O. Box 42650
Olympia, WA 98504-2669
Information Center
(360) 902-8844
http://www.parks.wa.gov/parks/

8(b). 3. Location of the Resource

Federal

National Park: These are generally large natural places having a wide variety of attributes, at times including significant historic assets. Hunting, mining, and consumptive activities are not authorized. Washington State has three National Parks, they are: North Cascade, Olympic and Mount Ranier

National Monument: The Antiquities Act of 1906 authorized the President to declare by public proclamation landmarks, structures, and other objects of historic or scientific interest situated on lands owned or controlled by the government to be national monuments. Washington State has no National Monuments.

National Preserve: National preserves are areas having characteristics associated with national Parks, but in which Congress has permitted continued public hunting, trapping, oil/gas exploration and extraction. Many existing national preserves, without sports hunting, would qualify for national park designation. Washington State has no National Preserves.

National Historic Site: Usually, a national historic site contains a single historical feature that was directly associated with its subject. Derived from the Historic Sites Act of 1935, a number of historic sites were established secretaries of the Interior, but most have been authorized by acts of Congress. Washington State has two National Historic Sites: Whitman Mission and Fort Vancouver.

National Historic Park: This designation generally applies to historic parks that extend beyond single properties or buildings. Washington State has two National Historic Parks: San Juan Island and Klondike Gold Rush – Seattle unit.

National Memorial: A national memorial is commemorative of a historic person or episode; it need not occupy a site historically connected with its subject. Washington State has no National Memorials.

National Battlefield: This general title includes national battlefield, national battlefield park, national battlefield site, and national military park. In 1958, a NPS committee recommended national battlefield as the single title for all such public lands. Washington State has no National Battlefields.

National Cemetery: There are presently 14 national cemeteries in the National Park System, all of which are administered in conjunction with an associated unit and are not accounted for separately. Washington State has no National Cemeteries.

National Recreational Area: Twelve NRAs in the National Park System are centered on large reservoirs and emphasize water-based recreation. Five other NRAs are located near major population centers. Such urban parks combine scarce open spaces with the preservation of significant historic resources and important natural areas in location that can provide outdoor recreation for a large number of people. Washington State has 3 NRAs: Lake Roosevelt, Lake Chelan, and Ross Lake.

National Seashore: Ten national seashores have been established on the Atlantic, Gulf, and Pacific coasts; some are developed and some relatively primitive. Washington State has no National Seashores.

National Lakeshore: National lakeshores, all on the Great Lakes, closely parallel the seashores in character and use.

National River: There are several variations to this category: national river and recreational area, national scenic river, wild river, etc. The first was authorized in 1964 and others were established following passage of the Wild and Scenic Rivers Act of 1968. See Section 13 for list of Washington State Wild and Scenic Rivers.

National Parkway: Parkway refers to a roadway and the parkland paralleling the roadway. All were intended for scenic motoring along a protected corridor and often connect cultural sites. Washington State has no National Parkways.

National Trail: See Section 8(d).

Affliated Areas: In the National Park System General Authorities Act of 1970, the NPS was defined in law as, "any area of land and water now or hereafter administered by the Secretary of the Interior through the NPS for park, monument, historic, parkway, recreational or other purposes." The affliated areas comprise a variety of locations in the U.S. and Canada that preserve significant properties outside the NPS. Some of these have been recognized by Acts of Congress, others have been designated national historic sites by the Secretary of Interior under the authority of the Historic Sites Act of 1935. In Washington State Ebey's Landing on Whidbey Island is designated as a *National Historic Reserve*.

State

Go to the following web site and click on the links for a detailed description of the 125 State Parks: **http://www.parks.wa.gov/parks/**

8(c). NATIONAL SCENIC AREA

8(c).1.Level of Protection

Federal

Public Law 99-663, *The Columbia River Gorge National Scenic Area Act,* was enacted in 1976 and created the 292,500 acre Columbia River Gorge National Scenic Area. The act has dual purposes. One, to protect and provide for the enhancement of the scenic, cultural, recreational and natural resource of the Gorge; and two, to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas an by allowing future economic development in a manner consistent with the first purpose. The Act called for a new partnership between USDA Forest Service, a bi-state regional planning agency, the states of Oregon and Washington, and the six counties with land in the Scenic Area. The Act also called for interagency and tribal cooperation and coordination.

The Forest Service administers recreation facilities, assists in resource protection programs, provides technical assistance and manages National Forest Lands.

Rural Development policy is to not authorize, fund, or carry out any proposal that, as a result of identifiable impacts, direct or indirect, would lead to or accommodate either the conversion of these land uses or encroachment upon them. Whenever a proposed action is determined to have a potential for impacting the Columbia River Gorge National Scenic Area, the U.S. Forest Service, should be consulted as early in the environmental analysis process as possible to evaluate the possible consequences of and protection requirements necessary concerning the action.

State

The Columbia River Gorge Commission was created by an inter-state compact. Under the Act, the Commission has the responsibility for planning, implementation of the National Scenic Area's Management Plan, and monitoring and hearing appeals of land-use decisions.

Local

The local counties and the Commission are responsible for drafting and enforcing land-use ordinances to implement the management plan. The thirteen Oregon and Washington communities within the National Scenic Area are designated as Urban Areas. Although these areas are exempt from the land-use regulation aspects of the legislation, they are the focus of most economic development activities implementing the second purpose of the Act.

8(c).2. Agency Jurisdiction

Federal

USDA Forest Service
Columbia River Gorge National Scenic Area
902 Wasco Ave., Suite #200
Hood River, OR 97031
(541) 386-8758
www.fs.fed.us/r6/columbia/nsa.htm

State

Columbia River Gorge Commission
P.O. Box 730
White Salmon, WA 98672
(509) 493-3323

Local

City or County governments.

8(d) NATIONAL TRAILS SYSTEM

8(d).1.Level of Protection

Federal

In 1968 to provide federal assistance to the Appalachian Trail and to establish a national system of trails, Congress passed the National Trails System Act. The Appalachian and Pacific Crest trails were named in the act as the first two National Scenic Trails. Today the National Trails System consists of Congressionally designated national scenic trails, which are continuous protected scenic corridors for outdoor recreation, and national historic trails, which recognize prominent past routes of exploration, migration, and military action. The historic trails generally consist of remnant sites and trail segments, and thus are not necessarily continuous. Although both types are administered by federal agencies, land ownership may be in public or private hands. Of the 17 national scenic and national historic trails so far established, 12 are administered by the National Park Service, four by the Forest Service, and one by the Bureau of Land Management.

National recreation trails are existing trails recognized by the Federal Government as contributing to the National Trails System. They vary in length, terrain, difficulty, and accessibility. These trails are managed by public and private agencies at the local, state, and national levels and include nature trails, river routes, and historic tours.

For further information on the National Trails System and its various components and programs, contact: National Trails System Branch, National Park Service (782), P.O. Box 37127, Washington, D.C. 20013-7127, or call 202-343-3780.

Rural Development will not authorize, fund, or carry out any proposal or project which would adversely affect the unique values and benefits of designated or nominated trails in the National Trails System. Whenever a proposed action is determined to have the potential for impacting a National Trail, the agency charged with administering the trail should be consulted as early in the environmental analysis process as possible to evaluate the possible consequences of and protection requirements necessary concerning the action.

8(d).2. Agency Jurisdiction

Federal

For the Pacific Crest National Scenic Trail, contact:

USDA Forest Service
Pacific Northwest Regional Office
PO Box 3623
Portland, OR 97208
(333 SW First Avenue, Robert Duncan Plaza)
(503) 808-2449
http://www.fs.fed.us/r6/welcome.shtml

For the Lewis and Clark National Historic Trail, contact:

National Park Service
700 Rayovac Drive, Suite 100
Madison, WI 53711
608-264-5610

8(d).3. Location of the Resource

The Pacific Crest National Scenic Trail. Lying along the spectacular shoulders of the Cascade and Sierra Nevada mountain ranges from Canada to Mexico, the 2,638 mile Pacific Crest is the West Coast counterpart of the Appalachian Trail. Inspired in the 1930s by the idea of a long-distance mountain trail, citizen activists worked with the Forest Service to establish the trail. It passes through 25 national forests and seven national parks. The trail was completed in Oregon and Washington in 1987. Today only 30 miles in California are not protected. Additional information is available from the Pacific Crest Trail Association, 5323 Elkhorn Blvd., Suite 256,
Sacramento, CA 95842, (800) 817-2243

Lewis and Clark National Historic Trail, 3,700 miles long, was established in 1978
In 1804, President Thomas Jefferson commissioned Meriwether Lewis and William Clark to explore the newly acquired Louisiana Territory and the "Oregon Country." Setting out in boats from what is today Wood River, Illinois, and following the
Missouri River upstream, their expedition eventually reached the Pacific Ocean at the mouth of the Columbia River in 1805 and returned east the next year. In Idaho and western Montana, the route follows roads and trails as it crosses the Rocky Mountain
passes. Along the route, state, local, and private interests have established motor routes, roadside interpretive markers, and museum exhibits telling the Lewis and Clark story. For further information contact the Lewis and Clark Trail Heritage Foundation, Inc., P.O. Box 3434, Great Falls, MT 59403.

9.0. RANGELAND

9.1. Level of Protection

Federal

USDA Departmental Regulation 9500-3, "Land Use Policy," and Public Law 99-198, Food Security Act of 1985, "Highly Erodible Land Conservation."

Rural Development shall avoid the unwarranted conversion of Prime Rangeland.
Rural Development shall advocate, in coordination with other USDA agencies, the retention of prime rangeland whenever proposed conversions to other uses are (1) caused or encouraged by actions or programs of a federal agency, or (2) require licensing or approval by a federal agency, unless other needs clearly override the benefits derived from the retention of such land.

See Exhibit M of Instruction 1940-G for additional requirements regarding conservation of highly erodible land.

Definitions

The definition of Prime Rangeland is found in USDA Departmental Regulation 9500-3. DR 9500-3 is included in Rural Development Instruction 1940-G as Exhibit A. Prime Rangeland is defined as rangeland that, because of its soil, climate, topography, vegetation, and location has the highest quality or value for grazing animals. The potential natural vegetation is palatable, nutritious, and available to the kinds of herbivores common to the area.

State

Washington State Natural Area Programs

Local

Applicable city or county comprehensive plans.

9.2 . Agency Jurisdiction

Federal

USDA Natural Resources Conservation Service (NRCS)
316 W. Boone, Suite 450
Spokane, WA 99201-2348
(509) 323-2900
http://www.wa.nrcs.usda.gov

For BLM-managed land in Washington State, consult with the BLM Spokane District Office:

US Department of the Interior
Bureau of Land Management (BLM)
Spokane District Office
1103 N. Fancher
Spokane, WA 99212-1275
(509) 536-1200
http://www.or.blm.gov/Spokane/

For Forest Service-managed land, consult with the Forest Supervisor for the affected forest or consult with:

USDA Forest Service
Pacific Northwest Regional Office
PO Box 3623
Portland, OR 97208-3623
(503) 808-2922
http://www.fs.fed.us/r6/welcome.shtml

State

Washington State DNR Natural Areas Program
Lands & Resource Division
PO Box 47016
Olympia, WA 98504-7016
(360) 902-1340
http://www.dnr.wa.gov/nap/

Local

City or county governments.

9.3. Location of Resource

Consult with USDA Natural Resources Conservation Service (NRCS) for assistance in identifying "Prime Rangeland." For NRCS Service Center locations, call the NRCS State Office in Spokane at the telephone number listed above, or see the Washington NRCS Web Site: **http://www.wa.nrcs.usda.gov**

Consult with other affected federal and state agencies for assistance on lands under their jurisdiction.

10.0. SOLE SOURCE AQUIFERS

10.1. Level of Protection

Federal Only

Rural Development will not approve or provide financial commitments to any project that the US Environmental Protection Agency (EPA) determines may contaminate an EPA designated "Sole Source Aquifer" so as to create a significant hazard to the public.

Rural Development has entered into a Memorandum of Understanding (MOU) with EPA (contact the State Environmental Coordinator for a copy of MOU, if needed) to assist in the protection of Sole Source Aquifers. This MOU requires EPA review of any RD project located over a Sole Source Aquifer recharge area that requires an environmental review or that might have an adverse impact on a designated aquifer.

10.2. Agency Jurisdiction

For projects located over a designated Sole Source Aquifer or a Pending Sole Source Aquifer, confer with:

Ground Water Protection Unit
EPA Region 10 (OW137)
1200 Sixth Avenue
Seattle, WA 98101
(206) 553-1900

Information on Sole Source Aquifers can be obtained on the EPA Web Site at:

http://www.epa.gov/ogwdw/ssanp.html

Maps of the SSA are available at:

http://www.epa.gov/r10earth/maps/ssarx.html

10.3. Location of Resource

Designated Sole Source Aquifer in Washington State are: CAMANO ISLAND; CEDAR VALLEY (S. King Co.); CENTRAL PIERCE COUNTY; CROSS VALLEY (S. Snohomish Co.); GUEMES ISLAND; LEWISTON BASIN (NE Asotin Co.); MARROWSTONE ISLAND; NEWBERG AREA (central Snohomish Co.); SPOKANE VALLEY-RATHDRUM PRAIRIE; VASHON-MAURY ISLAND; and WHIDBY ISLAND.

11. 0. WATER QUALITY

11.1. Level of Protection

Federal

The Clean Water Act of 1977 and 1981 Amendments, The Safe Drinking Water Act (PL 93-523) of 1974 and 1986 Amendments, and The Federal Water Pollution Control Act (PL 92-500) of 1972 and 1977 Amendments.

The principal federal laws affecting water supply are the Federal Water Pollution Control Act and the Safe Drinking Water Act. The Federal Water Pollution Control Act provides for two types of standards: effluent standards and water quality standards. Section 1424 (e) of the Safe Drinking Water Act of 1974 authorizes the EPA's Administrator to designate an aquifer for special protection if it is the sole or principal drinking water resource for an area, and if its contamination would create a significant hazard to public health. The Administrator may make this designation on the basis of a citizen petition or upon EPA's own initiative. No commitment for federal financial assistance, through a grant, contract, loan guarantee or otherwise, may be entered into for any project that the Administrator determines may contaminate such a designated aquifer so as to create a significant hazard to public health.

The principal law related to wastewater is the Federal Water Pollution Control Act Amendments of 1972 as amended in 1977 (33 U.S.C. 1251-1376) and EPA implementing regulations (33-CFR, Parts 230, 320-325).

In addition, the Clean Water Act (1977), Section 208 requires states and localities to develop area-wide comprehensive plans for improving water quality in an area or state. Approval by local government should constitute verification that the projects conform to the state and/or local plan.

State

At the state and local levels, Washington State Department of Ecology (DOE) regulates waste discharge sources through review of waste discharge permit applications and issuing waste discharge permits which contain compliance schedules, enforcing permit compliance, and reviewing sewerage system and industrial construction plans. DOE is responsible for issuing wastewater discharge permits under the State Water Pollution Control Act (Chapter 90.48). Under the act, DOE operates a state waste discharge permit program for discharges to surface and ground water, sewerage systems, and storm drains. DOE also has authority to carry out provisions of the federal Clean Water Act. DOE issues both State Water Pollution Control Act and National Pollutant Discharge Elimination System (NPDES) permits.

The DOE Water Quality Program is responsible for developing surface and ground water quality standards. The Program focus is on a geographic basin management approach that includes regulation, prevention, and enforcement. The program continues to focus efforts on increasing technical assistance, public involvement, and

education to help the public, governments, businesses, and industries to understand and comply with environmental laws and regulations.

The watershed approach to water quality management geographically targets water quality assessments, watershed permitting, and nonpoint source programs. The approach establishes 23 water quality management areas (basins) within the state, synchronizes water quality assessments and wastewater permitting, and schedules permitting and enforcement activities within management areas according to a five year rotating cycle.

DOE also focuses on nonpoint sources of pollution. DOE nonpoint water pollution prevention work is largely voluntary focusing on agriculture, urban runoff, and general water quality complaints. DOE does have enforcement capability under the state Water Pollution Control Act when needed for correcting particularly difficult nonpoint water pollution problems. In addition, through nonpoint water pollution prevention, Ecology works with local governments to support watershed planning and implementation. Watershed management involves the public in a review of water quality issues and needs across an entire watershed or drainage area and it involves people in designing solutions locally. Ecology also works with the Washington State Department of Health to protect shellfish harvesting areas of the state. This is accomplished through watershed planning and technical assistance to local governments.

The federal Safe Drinking Water Act (SDWA) was passed in 1974, amended in 1986 and in 1996. Generally the SDWA applies to systems with 15 or more connections, or regularly serving 25 people daily. The SDWA includes water quality standards, sampling, treatment, and public notification requirements. The rules for monitoring, treatment, and regulatory enforcement for contaminants are developed by EPA in phases. The 1996 amendments to the SDWA also added new requirements related to annual water quality reports, operator certification requirements, system capacity, and source water assessment and protection.

The state Department of Health, by agreement with the EPA has had full authority and responsibility for implementation of the SDWA in Washington since 1976. This authority is called "primacy." As a condition of primacy, the state must adopt and administer state rules that are at least as stringent as the federal requirements. If the state did not administer the SDWA requirements, EPA would directly enforce the requirements in Washington.

Both DOH and the State Board of Health adopt regulations to safeguard public drinking water. DOH and local health jurisdictions implement regulations. EPA oversees the state's implementation of the federal SDWA. DOH coordinates with the Departments of Ecology and Community Development, the Utilities and Transportation Commission, and other state and local agencies.

Project applicants should consult with DOE and/or DOH to ensure compliance with applicable water quality regulations.

Local

Applicable city or county comprehensive plans.

11.2. Agency Jurisdiction

Federal

US Environmental Protection Agency (EPA)
Office of Water Quality
1200 Sixth Avenue
Seattle, WA 97204
(206) 553-8512
http://www.epa.gov/region10

State

Washington State Department of Ecology
Water Quality Program
Megan White, PE, Program Manager
P O Box 47600
Olympia, Washington 98504-7600
(360) 407-6405 (voice)
(360) 407-6006 (TDD*)
http://www.ecy.wa.gov/programs/wq/wqhome.html

and

Washington State Department of Health
Division of Drinking Water
7171Cleanwater Lane, Bldg. 8
P.O. Box 47828,
Olympia, Washington, 98504-7828
(360) 236-3100
http://www.doh.wa.gov/ehp/dw/default.htm

Local

City or county governments.

11.3. Location of Resource

Contact the DOE or the DOH regional or local office located closest to the project area. For office locations, call the DOE or the DOH Olympia offices at the telephone numbers listed above, or use the following Web Sites:

DOE @ http://www.ecy.wa.gov/programs/wq/wqhome.html

DOH @ http://www.doh.wa.gov/ehp/dw/default.htm

12. 0. WETLANDS

12.1. Level of Protection

Federal

Executive Order 11990 "Protection of Wetlands," USDA Departmental Regulation 9500-3, "Land Use Policy," Public Law 99-198, Food Security Act of 1985, "Wetland Conservation," and applicable sections of the 1990 Farm Bill.

The US Army Corps of Engineers has regulatory authority under the Clean Water Act, Section 404, as discussed in Section 5 of this document, "Flood Plains."

Rural Development will not provide financial assistance or provide project approval if wetland conversion is involved. The only exception is if there exists a demonstrated significant need for the project and there are no practicable alternative actions or sites, and then conversion must be minimized and mitigated. Wetlands protected are those areas that are inundated by surface or ground water with a frequency sufficient to support and, under normal circumstances, do or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas, such as sloughs, potholes, wet meadows, river overflows, mudflats, and natural ponds.

State

The Washington State Department of Ecology (DOE) has primary regulatory authority within the State. The *State Water Pollution Control* Act (Chapter 90.48 *RCW)* passed in 1945 and amended several times, gives DOE jurisdiction to control and prevent pollution of wetlands. The implementing regulation, *Water Quality* Standards (Chapter 173-201A-070 WAC) provides the basis for protecting wetlands. The federal government requires state water quality standards to include anti-degradation policy. The primary mechanism for implementing the provisions of this statute is the state water quality certification issued pursuant to the Section 401 of the federal Clean Water Act.

The Shoreline Management Act (Chapter 90.58 RCW) was enacted in 1971 and regulates only those wetlands in the state within 200 feet of shoreline water bodies and wetlands associated with these water bodies. (Approximately 30% of the state's freshwater wetlands and all of the tidal wetlands are under the SMA.)

DOE role in regulating wetlands under the SMA is threefold:

1) determine which wetlands are under the jurisdiction of the law;
2) review and approve local regulations which guide permit decisions; and
3) review and either approve or appeal local government permit decisions.

Local

Applicable city or county comprehensive plans.

12.2. Agency Jurisdiction

Federal

Regional Wetlands Coordinator
US Fish and Wildlife Service
Eastside Federal Complex
911 NE 11th Avenue
Portland, OR 97232-4181
(503) 231-2070
http://wetlands.fws.gov/

US Fish and Wildlife Service
Western Washington Office
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503
(360) 753-9440
http://pacific.fws.gov/ecoservices/habcon/wetlands/default.htm

Seattle District Corps of Engineers
Regulatory Branch, CENWS-OD-RG
Attn: "person's name, if applicable"
P.O. Box 3755
(Federal Center South, 4735 E. Marginal Way)
(206) 764-3495
http://www.nws.usace.army.mil/index.cfm

USDA Natural Resources Conservation Service
For assistance in wetland delineation on farmland, contact the nearest Service Center: **http://www.wa.nrcs.usda.gov**

State

Washington State Department of Ecology
Shoreline and Environmental Assistance - Wetlands
P.O. Box 47600
Olympia, WA 98504-7600
(360) 407-6977
http://www.ecy.wa.gov/programs/sea/wetlan.html

Local

City or county governments

12.3. Location of Resource

Wetlands are dispersed throughout the state, although they are primarily associated with lakes, rivers, streams, and coastal areas.

The US Fish and Wildlife Service has an ongoing nationwide effort to identify, classify and map wetlands. These National Wetland Inventory (NWI) maps are produced at a 1 to 24,000 scale on the same indexing system as used by USGS topographical maps. These NWI maps are available for Washington from:

http://wetlands.fws.gov/mapper_tool.htm

For Applicants and Consultants:

NWI maps may be purchased from the FWS; see the above FWS Web Site for ordering information and prices. Cost of each NWI map has been $2.50, plus shipping ($2.00 per order); call ahead to determine availability and total cost. The order form for NWI maps from the above DSL Web Site may also downloaded.

Digitized NWI maps may be downloaded from the national FWS Web Site (organized by USGS quad name): **http://wetlands.fws.gov/** . Washington State NWI maps are also available on line for a fee from the University of Massachusetts.

http://www.umass.edu/tei/esio/wtlnd.html

A USGS index book for Washington may be obtained free of charge from the USGS Earth Science Information Center in Menlo Park, CA.

USGS - Menlo Park ESIC
Building 3, MS 532
345 Middlefield Road
Menlo Park, CA 94025-3591
(650) 329-4309
FAX (650) 329-5130
http://ask.usgs.gov/maps.html

For Rural Development Offices

Regional Wetlands Coordinator
US Fish and Wildlife Service
Portland Eastside Federal Complex
911 NE 11th Avenue
Portland, OR 97232-4181
(503) 231-6154
http://pacific.fws.gov/

Maps are free to Rural Development Offices. Or, digitized NWI maps may be downloaded from the national FWS Web Site, as described above.

Also, refer to the applicable city or county comprehensive Growth Management Act regarding local plans for resource inventories and locations.

13.0. WILD AND SCENIC RIVERS

13.1. Level of Protection

Federal

Wild and Scenic Rivers Act of 1968, (16 USC 1271).

The Act is designed to protect and preserve outstanding free flowing streams and their shore land environs. Therefore, Rural Development shall not provide financial assistance or approve any project that would have a direct or adverse effect on the value for which a river has been either included in the National Wild and Scenic River System, identified as a potential addition to the national system, or identified in the Nationwide Inventory prepared by the National Park Service (NPS). A potential addition to the national system includes rivers identified for study by Congress or through agency planning processes.

Rural Development activities located within 1/4 mile of a designated or a potential addition to the National Wild and Scenic River System must be reviewed for direct or indirect impacts (See FmHA Instruction 1940-G, Exhibit E).

State

Scenic Rivers System RCW 79A.55.005 (Formerly RCW 79.72.010)

Scenic River Systems protect state designated rivers on Non-Federal Public Lands. The policy of the state is that certain selected rivers, with their immediate environs, possess outstanding natural, scenic, historic, ecological, and recreational values of present and future benefit to the public. Currently four rivers are listed at the end of this section and are regulated by the Washington State Parks and Recreation Department.

In addition, a number of rivers are being studied for proposal to the State Legislature for scenic designation. A list of the candidate rivers is included at the end of this section. If projects are proposed for RD funding which may effect one of these candidate rivers, the State Parks and Recreation Commission must be contacted to determine current status of particular river.

Local

Applicable city or county comprehensive plans.

13.2. Agency Jurisdiction

Federal

US Department of the Interior
National Park Service
Pacific West Region
909 First Avenue
Seattle, WA 98104-1060
(206) 220-4139
http://pacific.fws.gov/

For Forest Service-managed land, consult with the Forest Supervisor for the affected forest or consult with:

USDA Forest Service
Mt Baker Snoqualmie Headquarters
Attn: Jim Chu (360) 856-5700, ext 230
Wild and Scenic Division
21905 64th Avenue W
Mountlake Terrace, WA 98403
(425) 775-9702
800-627-0062
http://www.fs.fed.us

For BLM-managed land, consult with the BLM District Office closest to the affected land or consult with:

US Department of the Interior
Bureau of Land Management
Spokane District Office
1103 N. Fancher
Spokane, WA 99212-1275
(509) 536-1200
http://www.or.blm.gov/Spokane/

State

Washington Parks and Recreation Department
Scenic River System Program
Attn: Bill Jolly
P.O. Box 42650
Olympia, WA 98504-2669
(360) 902-8641

Local

City or county governments.

13.3. Location of Resource

Designated Wild and Scenic Rivers

See **http://www.nps.gov/rivers** for information on federally designated Wild and Scenic Rivers in Washington, as well as a list of rivers identified as potential additions to the National Wild and Scenic Rivers System. Washington State currently has three designated Federal Wild and Scenic Rivers:

Skagit River:

The segment from pipe line at Sedro-Woolley to and including the mouth of Bacon Creek; Cascade River from the mouth to the junction of the north and south Forks; the south fork to the boundary of Glacier Peak Wilderness Area; Suiattle River from the mouth to the junction of Elliott Creek; north fork of Sauk River from its junction with the south fork and the Sauk to the boundary of Glacier Peak Wilderness Area.

White Salmon River:

The confluence with Gilmer Creek at BZ Corner to the confluence of Buck Creek.

Klickitat River:

Confluence with Wheeler near Pitt, Washington to the confluence with the Columbia River.

Candidate Rivers under consideration for Federal Designation:

Snake River:

Eastward extent of North Boundary of Section 1, T5N, R47E, WMM and downstream to the Town of Asotin.

White Salmon River:

Another segment from confluence with Trout Creek to confluence with Gilmer Creek near BZ Corner.

Columbia River:

From 1 mile below Priest Rapids Dam to McNary Pool, river mile 345 to river mile 396.

Designated Washington State Scenic Rivers

Skykomish River:

From the junction of the north and south forks of the Skykomish river,
(a) Downstream approximately fourteen miles to its junction with the Sultan river;
(b) Upstream approximately twenty miles on the south fork to the junction of the Tye and the Foss rivers;
(c) Upstream approximately eleven miles on the north fork to its junction with Bear creek.

Beckler River:

From its junction with the south fork of the Skykomish river upstream approximately eight miles to its junction with the Rapid river.

Tye River:

From its junction with the south fork of the Skykomish river upstream approximately fourteen miles to Tye Lake.

The Little Spokane River:

From the upstream boundry of the state park boat put-in site near Rutter parkway and downstream to its confluence with the Spokane river.

Candidate Washington State Scenic River Designations:

Black
Bogachiel
Carbon
Cedar
Chiwawa
Cispus
Clearwater
Columbia
(Hanford Reach)
Colville
Cowlitz
Dickey
Doseqallips
Duckabush
Dungeness
Elwah
Entiat
Grande Ronde
Grays
Graywolf
Green
Hamma Hamma
Hoh
Humptulips
Kalama
Kettle
Klickitat
Lewis
Little Spokane
Little White Salmon
Methow
Naches system
(Rattlesnake)
Naselle
Nisqually
Toutle, North Fork
Okanogan
Palouse
Rocky Ford Creek
Satsop
Similkameen
Skagit
Skokomish
Skykomish
Snoqualmie
Soleduck
Stillaguamish
Tilton
Touchet
Tuchannon
Washougal
Wenatchee
White
White Salmon
Wind
Wiskah
Wynoochee
Joseph Creek

14.0. WILDERNESS

14.1. Level of Protection

Federal

Wilderness Act of 1964, as amended. The act was ratified to protect particularly environmentally pristine areas of the United States under Federal ownership and management practices. Wilderness areas are generally larger than 5000 acres and have retained their primeval character. Washington State has 30 wilderness areas managed by four federal agencies totaling 4,3244,182 acres. Potential Rural Development actions near or adjacent to National Wilderness Areas merit special evaluation because of the types of resources they contain which are covered by other significant Federal environmental directives such as the Endangered Species Act, The Wild and Scenic Rivers Act, and Executive Order 11990, "Protection of Wetlands."

Rural Development policy is not to approve or fund any proposals that, as a result of identifiable impacts, direct or indirect, would lead to or accommodate either the conversion of these land uses or encroachment upon them.

Local

Applicable city or county comprehensive plans.

14.2. Agency Jurisdiction

Federal

Confer with the U.S. Department of Agriculture, Forest Service (FS) and the U.S. Department of Interior, Bureau of Land Management (BLM), National Park Service (NPS), or Fish and Wildlife Service (FWS), as appropriate, for impacts to National Wilderness Areas within their jurisdictions.

USDA Forest Service
Pacific Northwest Regional Office
PO Box 3623
Portland, OR 97208
(333 SW First Avenue, Robert Duncan Plaza)
(503) 808-2449
http://www.fs.fed.us

Bureau of Land Management
Spokane District Office
1103 N. Fancher
Spokane, WA 99212-1275
Phone: (509) 536-1200
FAX: (509) 536-1275
http://www.or.blm.gov/Spokane/Directory.htm

U.S. Department of Interior
National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607
(510) 817-1300
http://www.nps.gov/pub_aff/index.htm

U.S. Department of Interior
Fish and Wildlife Service
Ecological Services
Portland Eastside Federal Complex
911 NE 11th Avenue
Portland, OR 97232-4181
(503) 231-6154
http://pacific.fws.gov/

14.3. Location of Resource

National Forest *Unit Name*	*Acreage*
Mount Skokomish, Olympic NF	13,015
Noisy-Diobsud, Mt. Baker NF	14,133
Norse Peak, Snoqualmie NF	52,180
Pasayten:	
Mt. Baker NF	108,336
Okanogan NF	421,141
Salmo-Priest, Kaniksu NF	11,949
Salmo-Priest, Colville NF	29,386
Tatoosh, Gifford Pinchot NF	15,750
The Brothers, Olympic NF	16,682
Trapper Creek,Gifford Pinchot NF	5,970
Wenaha-Tucannon, Umatilla NF	111,048
William O. Douglas:	
Gifford Pinchot NF	15.596
Snoqualmie NF	152,636
Wonder Mountain, Olympic NF	.2,349
National Forest Total Acreage	2,572,567

Fish and Widlife Unit Name	Acreage
Washington Islands Wilderness	
Copalis	60.80
Flattery Rocks	125.00
Quillayut Needles	300.20
San Juan Islands Wilderness	
San Juan Islands	448.53
FWS TOTAL Acreage	934.53

NPS Unit Name	Acreage
Olympic Wilderness	876,669
Mount Rainier	228,480
Stephen Mather	634.614
NPS TOTAL Acreage	1,739,763

BLM Unit Name	Acreage
Juniper Dunes Wilderness	7,140

For information regarding designated wilderness areas in Washington, use the following Web Sites:

http://www.wilderness.net

http://info.fws.gov/w.html

http://www.naturenw.org

http://wilderness.nps.gov

In addition, you may refer to applicable city or county comprehensive plans for wilderness locations.

15.0. INTERGOVERNMENTAL REVIEW PROCESS

15.1. Agency Jurisdiction

Federal

"Intergovernmental Review Process," Executive Order 12372, July 14, 1982.

Intergovernmental Review of Department of Agriculture Programs and Activities, Title 7, CFR, Part 3015, Subpart V.

State

Washington Intergovernmental Review Process, Executive Order 83-17, November 7, 1983.

Executive Order 92-03, signed June 2, 1992, rescinded EO 83-17.

15.2. Rural Development Responsibility

In order to comply with Departmental regulations, a number of projects funded by the Agency are subject to the Intergovernmental Review Process, for a complete list of those projects affected see RD Instruction 1940-J.

15.3. Location of Clearinghouses

Even though EO 83-17 was rescinded in 1992, seven (7) Counties elected to maintain the Washington Intergovernmental Review Clearinghouse Process. The following county participants require clearinghouses contact:

Benton County or Franklin County
Benton-Franklin Council of Governments
P.O. Box 217
Richland, WA 99352-0217
(Monica Rodriquez)
509.943.9185

Cowlitz County or Wahkiakum County
Cowlitz-Wahkiakum Council of Governments
Administrative Annex
207 Fourth Avenue North
Kelso, WA 98626
(Stephen Harvey)
360.577.3041

Lewis County
Lewis County Planning Commission
350 N. Market Blvd.
Chehalis, WA 98532-2626
(Bob Johnson)
360.740.2606

Skagit County
Skagit County of Governments
204 W. Montgomery
Mt. Vernon, WA 98273
(Kelly Moldstad)
360.416.7875

Whatcom County
Whatcom Council of Governments
314 E. Champion
Bellingham, WA 98225
(Leslye Asher)
360.676.6974

NOTE: If a county is not listed here, NO clearinghouse is available and NO contact is required.

OTHER ENVIRONMENTAL FACTORS AND CONCERNS

1.0. HAZARDOUS SUBSTANCES (WASTE)

1.1. Federal Regulations (Laws)

- Resource Conservation and Recovery Act (RCRA) of 1976 and amendments of 1980 and 1984.
- Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA, also known as "Superfund").
- Superfund Amendments and Reauthorization Act of 1986 (SARA).
- Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA).
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- Marine Protection, Research, and Sanctuaries Act (MPRSA).
- Toxic Substance Control Act (TSCA).

1.2. State Regulations (Authorizing Laws)

- Washington's Hazardous Waste Management Act, chapter 70.105 RCW (1976),
- Dangerous Waste Regulations, section 173-303 WAC (2000)
- Hazardous Waste Reduction Act, chapter 70.95 RCW,
- Pollution Prevention Plans, section 173-307 WAC (1991)
- Hazardous Waste Fees, section 173-305 WAC (1992)
- Model Toxic Control Act, chapter 70.105D RCW (1989), as amended (2001)
- Model Toxic Control Act Cleanup Regulation, section 173-340 WAC (1989), as amended (2001)
- Hazardous Substance Information Act, chapter 70.102.020 RCW,
- Fertilizer Regulation Act, chapter 15.54 RCW. (Clarifies the Department of Ecology's oversight authority over waste-derived fertilizers.)

1.3. Background - Federal

1.3.1. Resource Conservation and Recovery Act (RCRA).

In 1976, Congress enacted RCRA to protect human health and the environment from improper waste management practices. RCRA set up a system for tracking hazardous wastes from the time they were generated until disposal. It was to provide the United States with its first tracking system for regulation of hazardous waste from generation to disposal. RCRA regulates waste management. RCRA also authorized the Federal Government to order those held responsible to cleanup the hazardous waste problem they caused. RCRA was amended in 1984 to strengthen control over underground storage tanks (UST). Underground storage tanks are covered under Section 3.0 of this instruction.

Definitions

Solid Waste (RCRA)

Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits.

Hazardous Waste (RCRA)

A solid waste, or combination of solid wastes, which is no longer of use and needs to be discarded, and which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness: or
- pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Note: Chemicals that are still a useable product are not considered to be a hazardous waste.

RCRA Hazardous Waste Lists:

Solid wastes are defined as hazardous wastes under RCRA (if they are not subject to any of several exclusions) when they are in one of the following lists:

F-List - Hazardous wastes from nonspecific sources (40 CFR, Section 261.31)

K-List - Hazardous wastes from specific sources (40 CFR, Section 261.32)

P-List - Acutely hazardous commercial chemical products (40 CFR, Section 261.33(e))

U-List - Toxic and other commercial chemical products (40 CFR, Section 261.33(f))

Solid wastes are also hazardous when they meet one of the following defined characteristics (40 CFR, Sections 261.21 through 261.24):

Ignitability
- Corrosivity
- Reactivity
- TCLP

EPA has proposed replacement of the Extraction Procedure with a more rigorous Toxicity Characteristic Leaching Procedure (TCLP) that adds several organic chemicals including additional pesticides. When these substances are present in a waste or a waste extract, the waste will be classified as hazardous under RCRA.

Pesticide Waste

Pesticide wastes can be regulated by RCRA in the following ways:

- Discarded, unused pesticides either as technicals or formulations that are listed or that meet one or more of the characteristics of hazardous waste;
- Non-empty pesticide containers, which held a listed pesticide or held a pesticide exhibiting a hazardous waste characteristic. In the case of pesticides that are acutely hazardous (P- list), containers or inner lines from containers are also acutely hazardous wastes when disposed unless they have been triple rinsed with an appropriate solvent;
- Pesticide residue consisting of contaminated soil, water, or other debris resulting from the cleanup of a spilled pesticide.

The discarding of pesticides, residues and rinsates is usually regulated under RCRA. However, disposal requirements for empty containers are mandated by EPA under FIFRA. These requirements are found in the container disposal instructions on the product label.

Once a pesticide, manufacturing process waste, rinsate, or non-empty container is determined to be a RCRA hazardous waste, the waste must be managed in accordance with RCRA requirements. It can be stored by the generator for a maximum of 90 days; containers must be appropriate and must be labeled with a hazardous waste label, and shipment offsite must be made by an approved hauler to an approved disposal facility. The hazardous waste must be manifested and the shipment must conform to Department of Transportation (DOT) regulations covering manifest shipping descriptions, package, markings, DOT hazard diamonds, and vehicle placarding.

Reporting:

RCRA Hotline 1-800-424-8802 - Known or suspected violations of RCRA should be reported immediately to the RCRA Hotline and t*o* Washington Department of Ecology Regional Office where known or suspected violation has occurred.

Central Regional Office 15 W Yakima Ave, Suite 200 Yakima, WA 98902-3401 (509) 456-2926	Eastern Regional Office N 4601 Monroe, Suite 100 Spokane, WA 99205-5301 (509) 575-2490
Northwest Regional Office 3190 160th Ave SE Bellevue, WA 98008-5452 (425) 649-4259	Southwest Regional Office P O Box 47775 Olympia, WA 98504-7775 (360) 407-6300
HWTR Headquarters PO Box 47600 Olympia, WA 98504-7600 (360) 407-6723	Ecology Industrial Section P O Box 47600 Olympia, WA 98504-7600 (360) 407-6723

1.3.2. Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA - "Superfund").

CERCLA gives EPA authority to enforce or to carry out cleanups of releases or threatened releases of "Hazardous Substances," pollutants and contaminants resulting from spills or from hazardous waste sites, when there is an imminent and substantial danger to public health, welfare or the environment. This act provides EPA with funds, generated primarily from the chemical and petroleum industries, and the authority to cleanup the so-called "Superfund" environmentally "changed" sites. EPA can then recover these funds from responsible parties. Under Section 106 of CERCLA, the EPA can also require responsible parties to investigate and cleanup such sites.

Whenever a hazardous substance is released into the environment (land, water, or air) at or above the EPA designated reportable quantity (RQ) for that material, CERCLA requires an immediate call to the National Response Center at 1-800-424-8802. The hazardous substance list generated by EPA incorporates many elements, compounds, mixtures, solutions, hazardous wastes, and substances including many pesticides listed in other acts. The federal regulations covering the EPA designations, reportable quantities, and notification requirements under CERCLA are found in 40 CFR, Part 302. Clearly, numerous pesticide active ingredients, formulations, and inert ingredients are hazardous substances under CERCLA; however, Section 103 exempts the application of pesticides registered under FIFRA when pesticides are applied in accordance with the registered label instructions.

Release of pesticides that occur during handling and storage, and releases that result during transportation is covered under provisions of CERCLA.

1.3.3. Superfund Amendments and Reauthorization Act of 1986 (SARA).

The Superfund Amendments and Reauthorization Act of 1986 (SARA) amended CERCLA. One part of the new SARA provisions is Title III, the Emergency Planning and Community Right-to-Know Act of 1986. This act utilizes existing laws and regulations to regulate the activities of industries that manufacture and use chemicals. SARA Title III has four major sections:

- Emergency planning (Sections 301-303, Regulations in 40 CFR, Part 355).
- Emergency notification (Section 304, Regulations in 40 CFR, Part 355).
- Community right-to-know reporting requirements (Sections 311-312, Regulations in 40 CFR, Part 370).
- Toxic chemicals release reporting-emission inventory (Section 313, Regulations in 40 CFR, Part 372).

The emergency planning sections require the Governor of each state to appoint a State Emergency Planning Commission (EPC). This State commission must designate local emergency planning districts and appoint local EPC's whose responsibilities will focus on development of an emergency response plan to be used in the event of a chemical disaster.

Facility that uses, produces or stores an extremely hazardous substance in an amount equal to or in excess of the threshold planning quantity (TPQ) has reporting and notification obligations under Part 355 of SARA Title III. The emergency planning provisions stipulate that a facility subject to the requirements notify the State that it is subject to emergency planning provisions and that an emergency response coordinator for the facility has been designated. The regulations also require notification under CERCLA of a release of a reportable quantity of any extremely hazardous substance to the National Response Center. In addition, notification of such releases must be made to the community and the State emergency response commissions. This information must include:

- Chemical name and identity of the released substance.
- Whether the released substance is extremely hazardous.
- Estimation of quantity released.
- Time and duration of release.
- Medium or media into which the release occurred.
- Known or anticipated acute or chronic health risks.
- Medical advice for exposed individuals.
- Precautions regarding the release, including evacuation provisions, if necessary.
- Contact names and phone numbers.
- Written follow-up.

Many pesticide active ingredients and inerts are included on the extremely hazardous substance list and on the CERCLA list.

1.3.4. Definitions

Generator - means any person, by site, whose act or process produces hazardous waste identified, or listed in 40 CFR Part 261, or whose act first causes a hazardous waste to become subject to regulation. (For Rural Development inventory property, Rural Development would be the generator if hazardous waste is present.)

Movement - means hazardous waste transported to a facility in an open vehicle.

Manifest - means the shipping document originated and signed by the generator that tracks a hazardous waste to its final disposal.

Transporter - means a person engaged in the offsite transportation of hazardous waste by air, rail, highway, or water.

Designated Facility - means a hazardous waste treatment, storage, or disposal facility, which has received an EPA permit under RCRA regulations and has been designated on the manifest by the generator.

Hazardous Substance List - Hazardous substances under CERCLA and reportable quantities are found in 40 CFR 302, which is on file in Rural Development offices.

Reporting - Individuals are to report hazardous substance releases to EPA's National Response Center 1-800-424-8802, EPA's Regional Response Center (206) 442-1263 and to Washington's Department of Ecology (DOE) (360) 407-6700.

Superfund Sites - Superfund cleanup sites from the National Priorities List (NPL).

National Priorities List (NPL): Final and Proposed NPL Sites for Washington State are listed on the following EPA web-site:

http://www.epa.gov/superfund/sites/npl/wa.htm

Hazardous Sites List (HSL) required by WAC 173-340-330, include all sites which have been assessed and ranked using the Washington Ranking Method (WARM). Also listed are National Priorities List (NPL) sites. To access Washington State's HSL, go to:

http://www.ecy.wa.gov/programs/tcp/sites/sites.html

Confirmed & Suspected Contaminated Sites (CSCS) Report contains information about sites that are undergoing cleanup and sites that are awaiting further investigation and/or cleanup. Sites on the Hazardous Sites List (also listed separately above) are included in this data set. To access Washington State's CSCS use the same link noted above.

Federal Authority - The Environmental Protection Agency (EPA) is responsible on the national level for administering these laws. The office serving Washington is:

EPA Superfund Office
EPA Region 10
Hazardous Waste Division
1200 6th Avenue
Seattle, WA 98101
(206) 553-1200
1-800-424-4372
http://www.epa.gov/r10earth/index.htm

1.4. Background - State

1.4.1. Hazardous Waste and Hazardous Material

Program Mission

To foster sustainability, prevent pollution, and promote safe waste management.

Environmental Threats - There are inherent risks in the use of hazardous chemicals. When chemicals become hazardous waste, they are, by definition, harmful to the environment and/or human health. Many of these wastes are persistent in the environment, remaining toxic for a very long time, and some can build up (bio-accumulate) in the food chain. Currently, about 7,000 hazardous waste generators produce more than 255 million pounds of hazardous waste annually in Washington (1999 data).

The agency's Hazardous Waste and Toxics Reduction Program (HWTR) addresses two primary environmental threats: the long term inherent risks of using hazardous chemicals, and improper hazardous waste handling and disposal. Reducing the use of toxic chemicals is, therefore, a top priority, with a second major focus being to ensure that hazardous waste generated is managed safely.

Constituents and Stakeholders:

- General Public
- Local Governments and Other Agencies
- Business Groups and Associations
- State Agencies: Department of Agriculture; Department of Health; Washington State University
- Regulated Businesses and Agencies
- Tribes
- Environmental Groups
- Environmental Protection Agency (EPA)

Major Activities

Reduced use of hazardous chemicals in the manufacture and composition of products and reduced generation of hazardous wastes in manufacturing is generically called "pollution prevention." Pollution prevention, rather than just pollution control, is now recognized as a better and more efficient way to keep hazardous substances out of the environment. Avoiding waste generation, rather than treating it afterward, is one of the top priorities of the Hazardous Waste and Toxics Reduction Program (HWTR). HWTR has developed innovative programs that feature planning for source reduction and waste generation reduction, supported by technical assistance field visits, and follow-up work.

The state Hazardous Waste Reduction Act (1990) encourages reducing the use and creation of hazardous substances/waste, and it requires certain businesses to prepare plans for voluntarily reducing the use and creation of these substances/wastes.

While formal compliance enforcement work is essential to protecting the environment, compliance related technical assistance visits and providing information can also bring facilities into regulatory compliance, protect the environment, and use substantially fewer resources for a given level of environmental benefit. HWTR provides guidance to businesses on how to manage their dangerous waste safely and in compliance with appropriate regulations.

HWTR annually conducts formal compliance enforcement inspections at large and medium quantity generators and at hazardous waste management facilities to ensure compliance with state and federal regulations. This is part of our Performance Partnership Agreement with the Environmental Protection Agency (EPA), which provides annual federal grant assistance.

HWTR also undertakes a certain number of formal inspections at facilities that may have compliance problems, targeting facilities whose activities have the potential to cause serious environmental problems. These inspections are in response to citizen complaints, past compliance records, and the results of sector analyses. HWTR also

coordinates closely with local authorities to increase efficiency and bring more resources to bear on resolving environmental/health threats.

A credible formal enforcement capability (administrative orders, civil penalties, criminal enforcement, etc.) is essential to preserving the effectiveness of HWTR's technical assistance and informal enforcement efforts. HWTR offers technical assistance before any enforcement actions are taken, unless the problem poses an imminent threat to human health or the environment. Also, unless there is an imminent environmental/health threat, informal enforcement is normally undertaken before considering formal enforcement. Informal enforcement includes compliance letters and notices of correction for violations.

Facilities that treat, store, and/or dispose of dangerous wastes (TSDs) are required to obtain a permit to do so. These permits are intended to ensure that facility design, construction, maintenance, and operating procedures protect the environment. Washington currently has 15 active facilities that are either in "interim status" or have a final permit. Facilities needing to change or expand their operations need to obtain a permit modification and operating permits need to be renewed after 10 years. TSD facilities also are required to have closure plans to effectively deal with the end of their waste management activities. Environmental contamination found at any time before a facility successfully completes closure procedures may trigger cleanup "corrective action" at the site. Sites that pose the greatest hazard to human health and the environment are addressed first; HWTR is currently working on 27 high priority corrective action sites.

Under our Community Right to Know Program, HWTR offers assistance to citizens and local governments wanting to know about toxic chemicals in their community.

The challenge for the agency is to maintain hazardous waste management capacity in the state while strengthening environmental protection. The agency plans to develop a legislative package that looks at strengthening environmental standards, redesigning financial assurance, and possibly developing fee mechanisms for the permitting, closure, and corrective action processes at TSDs.

1.4.2. State Authority

The Washington Department of Ecology (DOE) is responsible for administering the above stated laws in Washington and can be reached at:

Hazardous Waste and Toxic Reduction Program
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
(360) 407-6700
http://www.ecy.wa.gov/programs/hwtr/index.html

1.5. Rural Development Responsibilities

Rural Development officials should be familiar with the federal and state laws pertaining to hazardous substances. Many of the chemicals used in agriculture in Washington are contained on the Hazardous Waste and Substance Lists and the use and disposal of these chemicals are governed by the stated federal and state laws.

Federal and state laws governing hazardous wastes/substances are extremely complex and the information presented in this guide is a very brief overview. If additional information is needed, please contact either the State Environmental Coordinator, or the EPA, or DOE offices listed throughout this discussion.

Rural Development staff are responsible for identifying inventory properties that contain or may contain hazardous wastes/substances contained on the Hazardous Waste and Substance Lists. When hazardous wastes/substances are found, or suspected of being located on Rural Development inventory property, and are not being managed in accordance with the above discussed Federal and State laws and releases greater than, or equal to the reportable quantity (RQ) have occurred, this should be reported as previously outlined.

Under the reporting requirements of the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), field office staff must immediately notify the National Response Center at U.S. Coast Guard Headquarters in Washington, D.C. (toll-free: 1-800-424-8802) of any releases of hazardous substances if the release is greater than or equal to the reportable quantity (RQ) for that substance. A release is defined as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. Release includes the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant. Release also means the substantial threat of release, as well as past and present activities. A reportable quantity may be 1, 10, 100, 5,000 pounds per day. The federal time period for measuring the amount released is 24 hours.

The State Environmental Coordinator (SEC) is to be immediately notified of a reportable release with a follow-up in writing.

When a solid waste as defined above becomes a hazardous waste under RCRA, the generator, Rural Development must prepare a manifest, obtain an ID number from EPA and arrange for transport of the waste to a designated facility. This activity is to be preformed by a qualified licensed contractor under the direction of Rural Development. Contact the SEC for guidance.

Actions to Take Prior to Taking Property into Inventory:

Rural Development staff should make a site investigation to determine if hazardous wastes/petroleum substances are on or suspected of being located on the property. **"Due Diligence"** is the term used to describe the of initial level of inquiry into the environmental condition of real estate, in the context of a real estate transaction, to determine the potential for contamination from release of hazardous substances, hazardous wastes, and petroleum products; and further, to determine what impact such contamination may have on the regulatory status and the security value of the property. The acceptable evidence of due diligence is the most current version the American Society for Testing and Materials (ASTM) "Standard Practice for Environmental Site Assessments: Transaction Screen Questionnaire." The new designation number is ASTM-E-1528-00, see **Appendix 4.**

Actions to Take Prior to Conveying Real Property. Section 120(h) prescribes the responsibilities of federal agencies in conveying real property with respect to the existence of hazardous waste. The statute requires agencies to (1) investigate their property; (2) notify entities who obtain the property from the agency of any waste that was taken by the agency to clean up the waste, if any existed. Notification must be attached to any transaction involving government property when, during the time of government ownership, waste was stored on the site for more than one year, or waste was disposed of or released at any time. The notice will provide information regarding the type and quantity of waste and the time at which the storage, disposal, or release took place. This information must be derived after an appropriate search of agency records. The notice should also provide a description of the remedial actions taken by the agency to address the waste problem. RD HB-1-3500, Section 4, Sub-section 16.18 gives further instructions for RHS SFH program.

Process:

- In all instances when any interest in inventory property is conveyed or transferred, Rural Development will perform a **Transaction Screen Questionnaire (TSQ).** This consists of a site inspection and a review of documents in the case file.
- If the review results in the conclusion that no waste is or has been on the property during the time it was in inventory, then this conclusion should be documented and placed in the case file. With this documentation on record, no further action will be necessary to meet statutory requirements.
- Where contamination is found or the results of the TSQ are inconclusive, the reviewer **will promptly contact the State Environmental Coordinator (SEC) for further guidance.** The reviewer may also find that waste was on the property, but was removed. In either instance, **the SEC shall be promptly notified**. If the transferee is not a PRP (Private Responsible Party), Rural Development will warrant that the government has taken appropriate remedial action and will conduct future remedial actions. A statement **(Appendix 5)** regarding the warranty will be included in the transaction documents.

- If hazardous waste, or evidence former waste, is found on the property, the SEC may follow-up, if necessary, by having the Agency contract with an environmental professional to perform an initial screening for environmental pollution and disposal hazards by conducting a Phase 1 Site Assessment (P1SA).
- Based upon the recommendation of the P1SA, a Phase 2 Site Assessment (P2SA) may be necessary to categorize waste streams, via laboratory analysis, for eventual disposal.
- Based upon the findings of the P2SA, a Phase 3 Site Remediation (P3SR) may be required to accomplish site cleanup; transportation of hazardous waste to an EPA licensed Treatment, Storage and Disposal (TSD) facility, and ultimate disposal per CERCLA section 120(h). All clean-up actions will be taken under the supervision of the SEC.

In order to answer TSQ question #21, go to the EPA Envirofacts Data Warehouse, click on "maps" and "WME"(Welcome to My Environment)@

http://www.epa.gov/enviro/index_java.html

In order to answer TSQ question #22, go to DOE Toxic Cleanup Program homepage @

http://www.ecy.wa.gov/programs/tcp/cleanup.html

Inspections of property should be done for the purpose of determining if:

- Any hazardous substances in amounts shown as Reportable Quantities (RQ) on Table 302.4 of 40 CFR 302 (on file with Rural Development SEC) have been released to the environment on the inventory property.

  "Release" is defined as spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing to the water, air, or land. A hazardous substance released as defined above in a Reportable Quantity becomes a hazardous waste subject to cleanup under Environmental Protection Agency (EPA) regulations.

  Use and storage of hazardous substances in accordance with manufacturers' and EPA requirements and recommendations is not considered a violation of State and Federal regulations.

  For the purpose of the inspection it should be assumed that all chemicals found or used on farms in Washington are contained on the list of Hazardous Substances. Since the list does not contain substances by trade or brand names, it may be necessary to examine labels to determine the technical name of chemicals and substances found on inventory property.

Releases of hazardous substances in Reportable Quantities must be reported to:

EPA Regional Response Center,
1-206-553-1263

and

National Response Center
1-800-424-8802

- For any extremely hazardous substances in amounts shown as Threshold Planning Quantities in Appendix A of 40 CFR 355 (on file with Rural Development SEC) located on Rural Development inventory property. By "located on the property" we mean properly stored, labeled, and secured. The following applies:

  If extremely hazardous substances are located on the property in Threshold Planning Quantities, they must be reported to:

  Washington Military Department
  Emergency Management Division
  Building 20, M/S: TA-20
  Camp Murray, WA 98430-5122
  24 hour toll free 1-800-258-5990

Extremely hazardous substances released to the environment in reportable quantities must be reported as outlined above under the reporting section.

1.6. Safety

Rural Development employees should not handle or try to dispose of suspected hazardous substances. Numerous complex laws, Federal and State, exist that regulate the generation, transportation, storage and disposal of hazardous substances/wastes. Persons violating these laws are subject to substantial criminal and civil penalties.

If hazardous substances/wastes are found on inventory property that meet the criteria discussed, the State Environmental Coordinator should be consulted to determine correct procedures to follow in disposing or cleaning up of the substances.

1.7. Applicant Responsibility

Applicants for Rural Development financial assistance who have hazardous substances in reportable quantities on their property must submit evidence to Rural Development from the DOE that they are in compliance with applicable federal and state laws before Rural Development assistance can be approved.

2.0.RADIOACTIVE WASTE

2.1. Federal Regulations

- Atomic Energy Act of 1954, Section 274 U.S.C.
- Nuclear Waste Policy Act of 1982

2.2. State Regulations

- Radioactive and Hazardous Waste Emergency Response Act, chapter 38.92 RCW
- Radioactive Waste Act, chapter 43.200 RCW
- Nuclear Energy and Radiation Act, chapter 70.98 RCW

2.3. Background - Federal

Uncontrolled radioactive waste presents serious environmental risks requiring proper management to prevent serious degradation of air, water, soil, etc., as well as extreme danger to plant and animal life. Radioactive substances present a high relative level of danger requiring special technology applied with regard to handling, processing, containment, transportation, and disposal than for chemically hazardous materials.

The U.S. Department of Energy (DOE), U.S. Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) have been charged with primary Federal responsibility for overseeing radioactive materials mining, processing, transportation, and disposal procedures.

The Federal presence is warranted because such matters easily cross State boundaries with respect to commerce, environments, and transportation systems.

2.4. Background - State

The State of Washington is required by federal legislation to establish a radioactive waste control program within the State. This program is administered by the Nuclear Waste Program, Washington Department of Ecology. Ultimately entities involved with radioactive waste must obtain special permits from the State of Washington to operate facilities, store, transport and dispose of those materials.

In 1988, Ecology created a new program within the department to deal specifically with Hanford-related activities and cleanup, and other sources of mixed radioactive

and chemically hazardous wastes. The primary focus of the NWP is Hanford, but the program also has regulatory responsibility for mixed wastes generated at the Puget Sound Naval Shipyard in Bremerton and commercial facilities in the Tri-Cities area.

In addition, the program oversees disposal and policy issues concerning commercial low-level radioactive wastes.

2.5. Federal Jurisdiction

The U.S. Department of Energy oversees the management of radioactive materials. Access web-site @ **http://www.hanford.gov/**

2.6. State Jurisdiction

The Washington State Department of Ecology, Nuclear Waste Program is the primary State agency with regulatory responsibility for radioactive waste in Washington State.

Access web-site @ **http://www.ecy.wa.gov/programs/nwp/index.html**

2.7. Rural Development Responsibility

Rural Development personnel involved in loan making and property disposition actions should endeavor to insure radioactive wastes, which could affect candidate properties, has been properly identified and mitigated. The Rural Development State Environmental Coordinator should be contacted regarding any instance with the presence of radioactive materials has been identified at a property being considered for loan making or foreclosure by the Agency.

Rural Development should not authorize, fund, or carry out any proposed action, which would adversely affect the environment through an illegal procedure of radioactive materials management. If a proposed action is determined to have the potential for impacting, or being impacted by a Federal or State controlled radioactive waste management plan, the SEC should be consulted as early in the environmental impact analysis process as possible to evaluate the possible consequences and protection requirements concerning the action. Most likely such loan making and foreclosure actions could be impacted by radioactive waste due to proximity, on or off the real property in question.

3.0. UNDERGROUND STORAGE TANKS (UST)

3.1. Federal Laws

- Resource Conservation and Recovery Act (RCRA) of 1976, as amended.
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended.
- Superfund Amendments and Reauthorization Act (SARA) of 1986.
- Emergency Planning and Community Right-to-Know Act (ERCRA) of 1986.
- Federal Insecticide, Fungicide, and Rodenticide Act (FEFRA).
- Hazardous and Solid Waste Amendments of 1984.

3.2. State Laws

- Underground Storage Tank Regulations, section 173-360 WAC
- Underground Storage Tank Laws, chapter 90.76 RCW

3.3. Background

There are from three to five million underground tanks in the United States that contain petroleum or "hazardous substances." It has been estimated that thousands of these tanks are currently leaking, and many more are expected to leak within the next five years. There is growing evidence that such tanks are a major cause of ground water contamination. Because half the population of the United States depends on ground water as a source of drinking water, the underground storage tank problem has been recognized as one of national significance requiring federal legislation.

In response to a growing number of ground water contaminated incidents caused by substances leaking from underground storage tanks, Congress amended the Resource Conservation and Recovery Act (RCRA) of 1976, to strengthen controls over underground storage tanks (UST).

The UST program defines the types of tanks which may be installed, initiates a tank notification program, requires EPA to issue federal technical standards for all tanks, coordinates federal and state efforts, and provides for federal inspection and enforcement.

Ecology currently regulates more 11,000 active tanks on approximately 4,000 different properties, including gas stations, industries, commercial properties, and governmental entities. The agency works to ensure these tanks are installed, managed, and monitored in a manner that prevents releases into the environment. To do so, the agency conducts compliance inspections on about 250 sites per year (most sites have multiple tanks) and provides technical assistance to tank owners.

3.4. Requirements for New Tanks

A provision banning installation of tanks that do not meet certain minimum requirements went into effect on May 7, 1985. No person may now install an underground storage tank unless:

- It will prevent releases of the stored substances due to corrosion or structural failure for the operational life of the tank.
- It is cathodically protected against corrosion; or constructed of noncorrosive material; or steel clad with a noncorrosive material; or designed to prevent the release or threatened release of the stored substances.
- The material used in the construction or lining of the tank is compatible with the substance to be stored.
- If the soil resistivity at the installation is greater than 12,000 ohm-cm or more, a storage tank without corrosion protection may be installed. The maximum penalty is $10,000 per tank for each day this provision is violated.
- After May, 1986, owners of newly installed underground storage tanks must notify the state agency within 30 days after bringing the tank into use.

3.5. Notification

The law calls for a notification program that will affect thousands of tank owners. The notification program requires actions by distributors of regulated substances, sellers of tanks and owners of tanks taken out of operation within the past 10 years but still in the ground, as well as owners of operational tanks. Notification must be made to DOE Toxic Cleanup Program for commercial installations, and to the local City or County Fire Marshall for residential, not to EPA.

3.6. Storage Tanks Exempt from Reporting Requirements

The following Underground Storage Tanks are Exempt from the reporting requirements:

- Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
- Tanks used for storing heating oil for consumptive use on the premises where stored;
- Septic tanks;
- Pipeline facilities (including gathering lines) regulated under (a) the Natural Gas Pipeline Safety Act of 1968, (b) the Hazardous Liquid Pipeline Safety Act of 1979, or (c) which is an intrastate pipeline facility regulated under State laws comparable to the provisions of law referred to in (a) and (b) above;
- Surface impoundments, pits, ponds or lagoons;
- Storm water or wastewater collection systems;
- Flow-through process tanks;

- Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or
- Storage tanks situated in an underground area (such as a basement, cellar, mine working, drift, shaft or tunnel) if the tank is situated upon or above the surface of the floor.

3.7. Rural Development Responsibilities

Rural Development officials are responsible for identifying inventory properties that contain tanks that meet the following criteria:

- It is an underground storage tank. That is, it is any one or a combination of tanks (including underground pipes connected thereto) the volume of which is ten percent or more beneath the surface of the ground, including the volume of the underground pipes.
- It is not exempt from the reporting requirements. That is, it is not an exempted underground storage tank as listed in Section 3.6 above.
- It contains regulated substances. That is, the underground storage tank stores petroleum or substances defined as hazardous under section 101(14) of the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9601. (Refer to the CERCLA Hazardous Substance List for Underground Storage Tanks on file in Rural Development offices for a listing of hazardous substances.)
- It contained a regulated substance but was taken out of operation by Rural Development after January 1, 1974, but still remains in the ground. That is, whether or not the tank is still in inventory, Rural Development must report on those tanks that we took out of operation since January 1, 1974, and left in the ground. An extensive record search or research effort should be avoided in reporting on such tanks.

Underground Storage Tanks on Rural Development inventory property that were reported by May 8, 1986 need not be re-reported. Tanks on property taken into Rural Development inventory since that date must be reported.

3.8. Applicant Responsibility

Applicants for Rural Development financial assistance who have underground storage tanks that meet the above requirements must report the underground storage tanks as required by the law. Applicants must submit evidence to Rural Development that their underground storage tanks have been reported, before Rural Development financial assistance can be approved.

3.9. Reporting Requirements

Rural Development Officials will record inspections of inventory property for presence of underground storage tanks on RD Form 1924-12, HB-1-3550, Attachment 5B, or the TSQ form.

For tanks on commercial inventory property that meet the above criteria the responsible Rural Development officials will complete EPA Form 7530-1, "Notification for Underground Storage Tanks," and a "30 Day Notice Form" from Department of Ecology's Toxic Cleanup Program. After the tank(s) have been removed and all work is completed an "Underground Storage Tank Closure and Site Assessment Notice" is submitted to the Toxic Cleanup Program. Questions regarding the completion of the forms should be directed to the Toxic Cleanup Program listed below.

For UST on residential inventory property, the responsible Rural Development officials will contact the local City or County Fire Marshall for guidance and compliance with requirements for the removal of such tanks.

Completed forms for commercial removal of UST should be sent to:

Department of Ecology (DOE)
Toxic Cleanup Program
P.O. Box 47655
Olympia, WA 98504-7655
(360) 407-7170
1-800-826-7716

To access the DOE database for UST and LUST go to:

http://www.ecy.wa.gov/programs/tcp/ust-lust/tanks.html

Copies of the completed forms are also to be sent to the appropriate Program Director and the SEC.

In addition to reporting on those tanks presently meeting the above criteria, prospective buyers of Rural Development inventory property also need notification. Prospective buyers must be informed if a reportable tank is on the property to be sold, provided a copy of the form filed by Rural Development, and told of the EPA notification requirements.

4.0. RADON GAS

4.1. Background

Radon gas is a chemically inert, odorless, colorless, and tasteless naturally-occurring radioactive element found in soils and rocks that make up the earth's crust. It comes from the normal decay of radium. Because it is a gas, it can easily move through soil and water and enter the atmosphere. Radon gas has a half-life approximating four days, after which it decays into four daughter products. These solid decay products are not inert and often attach themselves to airborne particulate, which may then enter the lungs. These particles with attached radon daughters may become lodged in the lungs where the radon daughters undergo rapid decay, emitting radiation that damages lung tissue.

In the Northwest, the major source of radon gas in the home is the soil beneath and surrounding the residence. Common entry routes are through cracks in concrete slabs; cracks between poured concrete slabs; and blocks, pores and cracks in concrete blocks, slab footing joints, and mortar joints; loose fitting pipes; sump pits; and floor drains. Houses built on foundations with a ventilated crawl space should have few problems. Houses with basements and those built directly on or in the ground have a higher potential for problems. Predicting areas, neighborhoods or individual homes that may have a radon problem is very difficult. There have been attempts to predict areas with potential for radon problems based on local geology. These attempts have had only limited success. However, some geologic conditions have been associated with elevated indoor radon levels.

These conditions include the presence of rock elevated in uranium (i.e. granite, black shale, and phosphatic rocks) or the presence of highly porous and permeable rocks (e.g. gravels). Certain geologic conditions have also been associated with low radon levels. These include wet clayey soils and mafic volcanic rocks (i.e. basalts, andesites, and sedimentary rocks). These are the predominant rock types in the Pacific Northwest.

Concentrations of radon and its daughter products are usually measured in pico-Curies per liter (pCi/l). The current action level (the level at which you should consider modifications) is 4 pCi/l. The Bonneville Power Administration, in cooperation with the WSU cooperative extension service and local utilities, has measured radon in thousands of homes in Washington State. To date, levels have ranged from less than 1 to 103 pCi/l. Most of the higher levels have been found in Northeastern Washington, due to the naturally occurring radium in the soil and rock. Western Washington does not appear to have significant radon levels, although exceptions have been found. Nationally, the average radon concentration is approximately 1 pCi/1. The only way to know is to test.

The building structure plays a critical role in radon entry rates, and therefore, indoor radon levels. Most single family dwellings in Washington have one of three substructure types: basement, concrete slab on grade, or wooden floor over crawl space. The latter is the most common. Basements appear to be most susceptible to high rates of radon entry, in part because of the relatively large area exposed to the soil. Slab-on-grade construction is probably less susceptible to high rates of radon entry than are basements. But because the slab is in close association with the soil, there is still potential for direct entry of radon through cracks in the slab. A well ventilated crawl space effectively decouples the house air from the soil gas, making this the least susceptible to radon entry of the three substructure types. It should be noted, however, that radon from the crawl space can still enter the house through the floor. This is especially true if the crawl space is un-vented or the vents are kept closed.

It is important to recognize that geology, location of the property and construction type alone cannot be used to predict elevated indoor radon levels in a particular house. Houses of similar construction built side by side on the same geologic formation may have very different indoor radon levels. There are many other complicating factors that influence indoor radon levels, including: weatherization or "tightness" of the house, building design, occupant behavior, meteorological and environmental conditions.

Health effects: As with other radioactive materials, radon can cause cancer. Much of the knowledge of the health significance of radon and its progeny is based on the analysis of the effects of high exposures on underground miners. Based on several studies and current knowledge, the National Academy of Sciences believe that radon and its progeny are harmful at all exposure levels, and increased lengths of exposure and higher doses will increase the risk of cancer. EPA has estimated that as many as 10 percent of lung cancer deaths in the U.S. may result from exposure to indoor radon. You cannot see it, taste it, smell it, or feel it. It won't make you tingle, give you a headache, or make you feel sick. For these reasons, the only way to know if radon is present is to test for it.

4.2. Regulations

Federal standards for radon gas do not exist.

State Regulatory Requirements

- Indoor Air Quality, Revised Code of Washington (RCW), chapter 19.27.190
- Washington State Uniform Building Code's Ventilation and Indoor Air Quality, section 51-13 Washington Administrative Code (WAC).

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4.3.Solutions

Preventing the entry of radon into the house is often the best solution to correcting radon problems. This is accomplished by sealing off all cracks, pores, open joints, and exposed earth that might permit the movement of soil gas into the house. Possible entry routes include: cracks in concrete floor, cracks between floor and block wall, pores and cracks in block walls, any exposed soil, sumps, and loose fitting pipes or any area where pipes penetrate the floor.

Another approach to preventing radon entry is to reverse the pressure gradients. Gas tends to move from the soil into a house because the pressure in the house is less than the pressure in the surrounding soil. This is primarily because it is warmer inside the house than outside most of the time. Reversing this pressure gradient, either by increasing the pressure inside the house or by decreasing the pressure in the surrounding soil, can stop the movement of radon into the house.

Ventilation can reduce radon levels under many circumstances. This involves bringing outside air into the living areas of the house (thus diluting the radon in the space ventilated). The usefulness of this approach decreases as you increase the ventilation rate. This means that ventilation is most cost effective in "tight homes." Houses that are already leaky (i.e. not weatherized) are not likely to benefit much from this approach. Ventilation necessarily results in energy loss. However, this can be minimized with the use of air-to-air heat exchangers. More detailed information on reducing radon levels can be found in EPA's publication "Radon Reduction Methods."

Usually, radon reduction control is fairly simple and inexpensive. Methods, in order of increased complexity and expense, are:

- Seal radon entry points with appropriate caulking material and cover sumps and drains.
- Improve basement or crawl space ventilation by increasing vent number, size, and/or using fans.
- Increase the air pressure in ground floor or basement area to reduce radon entry.
- Ventilate the area under the basement or slab (sub-slab depressurization) to reduce the amount of radon available to enter the home.

Additional information and brochures regarding radon, its prevalence, measurement, and control techniques can be obtained by calling **1.800.SOS.RADON**, or the Washington Department of Health, Environmental Health & Safety, Indoor Air Quality, at **360.236.3253,** or visit EPA web site:

http://www.epa.gov/iaq/radon/index.html

4.4. Location of hazard

Chapter 51.13.501 WAC lists identifies 6 counties with known radon gas presence, these are: **Skamania, Okanogan, Ferry, Stevens, Pond Oreille, and Spokane**.

4.5. Rural Development Responsibilities

Rural Development officials should be familiar with the existence of radon gas, known radon gas presence in their areas of responsibility, and the methods available to prevent radon gas entry into homes and facilities. New homes built with Rural Development financial assistance should insure compliance with Washington State Indoor Air Quality Code and incorporate construction and design techniques that will prevent the entry of radon gas. Existing properties to include single family housing and community facilities may be investigated for the presence of radon gas if located in a known radon identified county.

Appropriate language required to modify the Quitclaim Deed on properties that do not meet Decent, Safe, and Sanitary (DSS) standards and for use as an Attachment to the Quitclaim Deed, as well as similar language on "The Notice of Residential Occupancy Restriction" is found in Appendix 5 and Appendix 6.

5.0. ASBESTOS

5.1. Background

Asbestos was used heavily in the past in many construction activities because of its great effectiveness in providing fire resistance at very high temperatures. Unfortunately, an associated negative aspect was learned in later years when asbestos workers began developing lung diseases as a result of exposure to microscopic fibers. A great deal of Federal legislation has been enacted subsequently to regulate the presence of asbestos in industry, schools, and other public buildings as well as in appliances and asbestos abatement practices. Federal agencies directly involved with the regulations of asbestos include:

- U.S. Environmental Protection Agency (EPA) regulates the use and disposal of toxic substances in air, water, and land, including asbestos defined as "special waste."
- U.S Occupational Safety and Health Administration (OSHA) sets limits for worker exposure to asbestos in the workplace.
- U.S. Food and Drug Administration (FDA) is responsible for preventing asbestos contamination in food, drugs, and cosmetics.
- U.S. Mine Safety and Health Administration (MSHA) regulates mining and milling of asbestos.
- U.S. Consumer Protection Safety Commission (CPSC) regulates asbestos in consumer products.

Asbestos is recognized as an immediate health hazard when in a "friable" condition, that is, crumbly and easily released into the atmosphere. It is potentially dangerous in the development of lung diseases because of its extremely microscopic size and related properties. Friable asbestos should be abated in accordance with EPA guidelines and work performed by the Washington State Labor and Industries certified asbestos abatement contractor as part of any Rural Development loan making or property disposition action.

RD personnel should investigate as appropriate for the presence of asbestos in properties intended for loan making, leasing, or transfer and should take necessary steps to mitigate and abate, or warn prospective buyers about the presence once confirmed. Older properties are of special concern, as many contain materials employed in their construction predating implementation of regulations in this industry.

5.2. Regulatory Authority

Federal

- Asbestos School Hazard Abatement Act (ASHAA) of 1984

- Asbestos Hazard Emergency Response Act (AHERA)

State

- Health and Safety – Asbestos, chapter 49.26 RCW
- Asbestos Removal and Encapsulation, section 296-65 WAC

5.3. Location of Hazard

Asbestos is a naturally occurring fibrous material. The most dangerous asbestos fibers are microscopic which can become airborne (especially when the asbestos material is "friable" or easily crumbled by hand) and inhaled into the lungs. After they are inhaled, they can remain and accumulate in the lungs. Asbestos can cause lung cancer, mesothelioma (a cancer of the chest and abdominal linings), and asbestosis (irreversible lung scarring that can be fatal). Symptoms of these diseases do not show up until many years after exposure began. Most people with asbestos-related diseases were exposed to elevated concentrations on the job; some developed disease from exposure to clothing and equipment brought home from job sites.

Asbestos is a mineral fiber that has been used commonly in a variety of building construction materials for insulation and as a fire-retardant. EPA and CPSC have banned several asbestos products. Manufacturers have also voluntarily limited uses of asbestos. Today, asbestos is most commonly found in older homes, in pipe and furnace insulation materials, asbestos shingles, millboard, textured paints and other coating materials, and floor tiles.

Elevated concentrations of airborne asbestos can occur after asbestos-containing materials are disturbed by cutting, sanding or other remodeling activities. Improper attempts to remove these materials can release asbestos fibers into the air in homes, increasing asbestos levels and endangering people living in those homes. Usually it is best to leave asbestos material that is in good condition alone. Generally, material in good condition will not release asbestos fiber. There is no danger unless fibers are released and inhaled into the lungs. Do not cut, rip, or sand asbestos-containing materials.

5.4. Resources

All asbestos removal and clean up work shall be performed by a Washington State Labor & Industries currently certified Asbestos Abatement Contractor. For a list of eligible contractors go to:

http://www.lni.wa.gov/WISHA/p-ts/Asbestos/AsbestosContractors.pdf

The following web-sites also contain useful information on asbestos:

http://www.epa.gov/asbestos/
http://yosemite1.epa.gov/R10/OWCM.NSF/webpage/homepage?opendocument
http://www.doh.wa.gov/ehp/ts/IAQ.HTM

The Consumer Product Safety Commission booklet ***Asbestos in the Home*** (CPSC Document # 453) is available at:

http://www.cpsc.gov/cpscpub/pubs/453.html

5.5. Rural Development Responsibility

When an existing dwelling suspected of containing asbestos in a friable condition becomes available for sale or transfer, the questionable materials should be verified through laboratory analysis. Should the existence of friable asbestos be confirmed, the property should be mitigated in accordance with EPA regulations and all removal and clean up work performed by a Certified Asbestos Abatement Contractor licensed in the State of Washington. In addition, all handling and removal of asbestos shall be accomplished by state certified workers only as required by WAC 296-65-030. Disposal of asbestos shall meet 6 the requirements of EPA regulation 40 CFR Part 61, Sections 61-152 and 61- 7 156 and local health department regulations. Contact the SEC for further guidance

Consider the option of sealing off asbestos materials instead of removal, if possible, as a viable alternative to costly abatement. If no presence of friable asbestos is verified, no further action is required.

Prospective buyers of Rural Development REO property also need notification. Prospective buyers must be informed if known asbestos is present in the property to be sold. If abatement action has been completed, a copy of the clearance form from the contractor and filed by Rural Development shall be given to the buyer.

Appropriate language required to modify the Quitclaim Deed on properties that do not meet Decent, Safe, and Sanitary (DSS) standards and for use as an Attachment to the Quitclaim Deed, as well as similar language on “The Notice of Residential Occupancy Restriction” is found in Appendix 5 and Appendix 6.

6.0. GEOLOGICAL HAZARDS AND CONSTRAINTS

6.1. Background

Washington State, by virtue of its proximity to the Cascade Mountains and the Cascadia subduction seismic zone, is particularly prone to geological hazards and constraints, which could impact the development of certain Rural Development financed projects. In addition to volcanic activities and earthquakes, subsidence due to former underground mining operations, chemical expansions of soils due to hydrologic activities and mudslides are other geological hazard examples. Rural Development personnel involved with loan making and REO property disposition activities should endeavor to identify potential geological threats and consult with the Rural Development SEC for further guidance in dealing with such issues.

6.2. Regulatory Authority

Federal

Earthquake Hazards Reduction Act (EHRA) of 1977

State

Growth Management Act, chapter 36.70A RCW
Shoreline Management Act, chapter 90.58 RCW
Shoreline Master Programs, Critical Areas, section 173-26-320 (2) WAC
Critical Areas, section 365-190-080 (4) WAC

6.3. Location of the Hazard

Geologically hazardous areas are defined as areas susceptible to erosion, sliding, earthquake, or other geological events. These hazards pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development is sited in areas of significant hazard. Some geological hazards can be reduced or mitigated by engineering, design, or modified construction or mining practices so that risks to health and safety are acceptable. When technology cannot reduce risks to acceptable levels, building in a geological hazardous area is avoided.

Washington State's Growth Management Act and Shoreline Management Act restrict new development in geologically hazardous areas. Minimum guidelines for geologically hazardous areas are set forth in WAC 365-190-080(4). Regulations do not allow for new development or the creation of new lots that would cause foreseeable risk from geological conditions to people or ecological functions during the life of the development. Development may be allowed on or adjacent to a geologically hazardous area only if the results of a geo-technical report indicate that such development is safe.

The implementation of Critical Area Ordinances lies with local governments. Local government planning or building departments should be consulted prior to commitment of Agency funds.

For a list of geological hazards, consult the Washington State Department of Natural Resources (DNR) web-site:

http://www.dnr.wa.gov/geology/hazards/index.html

6.4. Rural Development Responsibility

Rural Development should not provide financial assistance for any proposed action which would be subject to geological hazards as defined by Washington State Laws and in other local government regulations and ordinances. Rural Development personnel involved with loan making and REO property disposition activities should endeavor to identify potential geological threats and consult with the State Architect, State Engineer, or SEC for further guidance in dealing with such properties.

7.0. LEAD HAZARDS

7.1. Background

Lead is a natural metal found in the environment. Lead is toxic and has no known function in the human body. Young children are most susceptible to the toxic effects of lead. Long-term exposure to even low levels of lead can cause irreversible learning difficulties, mental retardation, and delayed neurological and physical development. In adults, exposure to lead affects primarily the peripheral nervous system and can cause impairment of hearing, vision, and muscle coordination. Lead also damages the blood, kidneys, heart and reproductive system.

Lead poisoning is a particularly insidious public health threat because there may be no unique signs or symptoms. Early symptoms of poisoning may include loss of appetite, fatigue, irritability, anemia, and abdominal pain. Because of the general nature of symptoms at this stage, lead poisoning is often not suspected.

A child is at greatest risk if he or she lives in an older home, built prior to 1960. Homes built before 1960 often contain lead-based paint (LBP). Lead may contaminate dust and be ingested when dirty hands or other non-food items come in contact with the mouth.

Historically, lead was used as a pigment in house paint, an additive to gasoline and as a pesticide. Currently, it is used in lead-acid batteries, fishing weights, marine paint, lead shot, bullets, and in the manufacture of some plastics.

In 1990 the lead-acid battery industry accounted for about 80 percent of the domestic lead production. Ammunition, brass and bronze, extruded products, sheet lead, ballast, containers, ceramics, and gasoline additives represented the remaining 20 percent. Recently, the electronics industry is using more lead in the areas of magnetic imaging, transistors, night vision equipment, and energy generation.

Paint: LBP is the most common source of lead poisoning for children in the nation. Lead was widely used in most interior and exterior oil-based paint prior to 1960. Children are exposed to lead when they eat paint chips or chew painted surfaces. LBP is most dangerous when it is peeling, chipping, chalking, or cracking, or is located on a surface that is subject to damage from repeated impacts such as door frames or window frames. Improper renovation of homes with LBP can generate lead in the air, dust and soil in and around the home.

Soil and dust: LBP can be a major source of lead-contaminated soil around the home as a result of peeling and chipping paint and remodeling activities, such as sanding and scraping of paint. Industries such as lead ore mining, lead ore milling, smelting, municipal solid waste incinerators, and lead-acid battery recycling facilities can be sources of lead-contaminated soils. Lead-contaminated soil is a potential source of

exposure, directly through a child's hand-to-mouth activity, and indirectly as a contributor to indoor floor dust when tracked into the home.

Air: Sources of airborne lead include emissions from gasoline combustion, smelters, and battery manufacturers, among others. Windblown dust is another source when the dust contains lead. Due to the federal Clean Air Act, there is less lead in motor fuels and tighter emission controls on industrial activities. This has driven air emissions of lead down nearly 90 percent during the last 20 years.

Water: Industrial facilities, urban runoff and atmospheric deposition are sources of lead in the aquatic environment. Lead solder can contaminate drinking water.

Rural Development regulations require a certain amount of investigation for the presence of lead hazards; proper disclosure of such hazards in the transfer of REO properties; and actual lead remediation in some instances. A special focus on lead hazards posed by LBP, which was widely used prior to January 1978 and poses a special risk to young children in and around residences.

Three main categories of the hazard require attention by Rural Development:

(1) lead in various forms, such as dust and flakes, from LBP products used prior to January 1978,
(2) lead in drinking water from a variety of materials used in water systems, such as lead pipe and lead pipe solder, and
(3) lead waste products, such as discarded batteries and lead-base paint containers.

7.2. Regulatory Authority

<u>Federal</u>

- Lead-Based Paint Poisoning Prevention Act of 1971, Public Law 91-695, as amended.
- National Consumer Health Information and Health Promotion Act of 1976.
- Lead Contamination Control Act of 1988, Public Law 100-572
- Lead-Based Paint Hazard Reduction Act of 1992, Public Law 102-550 (sections 1012 & 1013 of Title X of the Housing and Community Development Act of 1992).
- *Lead: Requirements for Disclosure of Know Lead-Based Paint and/or Lead-Based Hazards in Housing*, U.S Environmental Protection Agency and U.S Department of Housing and Urban Development Federal Register Final Rule, 24 CFR Part 35 and CFR Part 745.
- Safe Drinking Water Act of 1974, as amended.
- Water Quality Act of 1987.
- Rural Development Instruction 1940-S, (forthcoming).

State

Washington's Safe Drinking Water Act, chapter 70.119A RCW.
Dangerous Waste Regulations, section 173-303-070 WAC.

7.3. Location of Hazard

Although lead can be found in drinking water (analysis by a laboratory is required to determine lead presence) and commonly in lead-acid batteries, various other daily activities create potential lead hazards. Hobbies such as making stained glass windows using lead solder, making lead weights for fishing, reloading ammunition, refinishing furniture, and remolding could lead to over exposure to lead. In some cultures home remedies contain lead and have potentially harmful effects, azarcon and greta are bright colored powders containing almost 100 percent lead. They are often used within the Hispanic community and are given to children with intestinal illness or empacho. Pay-loo-ah is a red or orange powder used within the Hmong community and given to children as a cure for rash or fever. Ghasard, Bala Goli, and Kandu are Asian Indian remedies used for stomachaches. Kohl or surma are used by Arab communities for cosmetic and medicinal purposes.

However, the primary source for lead poisoning remains LBP in residential housing built prior to January 1978, and especially dwellings built prior to 1960.

7.4. Rural Development Responsibility

Rural Development shall not authorize, fund, or carry out any proposal or project which would adversely affect the health of borrowers based on known or suspected lead contamination hazards.

Lead in Drinking Water

Washington State Department of Health is charged with enforcing the State's Safe Drinking Water Act. The State regulation establishes water standards, including maximum contaminant level (MCL) for inorganic materials such as lead, as well as regulating new construction and maintenance of public water systems.

When reviewing construction and operating plans and specifications for RD financed public water treatment plants and water distribution systems, RD personnel should ensure that concentrations of lead in the drinking water produced by the treatment plant or distribution system will not exceed the drinking water standard for lead.

Lead Waste Products

Lead waste products, such as lead-acid batteries, are often found abandoned on properties, particularly REO properties, under consideration for RD lending

assistance, or action, and constitute hazardous waste under the definitions of the Resource Conservation and Recovery Act (RCRA) if not recycled. RD personnel should ensure that all property, particularly REO Property, are thoroughly investigated for the presence of lead waste products prior to commitment of Agency resources, or prior to transfer of REO property to and from the Agency.

Lead-Based Paint

As of September 15, 2000, Rural Development implemented the HUD/EPA developed Final Rule of Residential Lead-Based Paint Hazard Reduction Act of 1992. This Act establishes a new protocol for LBP hazard reduction in housing and facilities intended for occupancy by young children (i.e. day care centers, schools).

Rural Development adopted six sections of the Final Rule, subparts A, B, C, J, and R of Title 24 of the Code of Federal Regulations as part 35 (24 CFR part 35). These subparts replaced RD Instruction 1924-A, Exhibit H, and take precedence over all RD Instructions and Handbooks concerning LBP. The requirements of these subparts are applicable to all housing constructed prior to 1978 that is financially assisted by the Agency or is being sold by the Agency.

Current RD AN No. 3718 (1924-A) Residential Lead-Base Paint Hazard Reduction provides guidance to RD staff. The requirements of this AN are to be used until RD Instruction 1940-S, Environmental Policies and Procedures, has been published as a Final Rule.

The requirement of lead paint disclosure under the old LBP regulation remains unchanged. With implementation of the new HUD issued LBP rule at 24 CFR part 35, disclosure requirements moved to subpart A. In addition to lead paint disclosure, Agency activities that include rehabilitation or the sale of REO property have additional compliance requirements under the new LBP regulations. The **Lead-Based Paint Compliance Key** is provided as a step-by-step guide for identifying actions the Agency must take to achieve full compliance with the new LBP regulations in all affected programs. The key is intended for use at the start of the loan or grant making process and prior to foreclosure and will by used by all programs except Guaranteed Single Family Housing prior to commitment of Agency resources. Guaranteed SFH will use the key during lender compliance review monitoring.

The LBP Compliance Key is available on the RD Intranet site at: **http://teamrd.usda.gov/rd/rhs/PSS/Lead_Paint/lead_based_paint_key.htm.** This tool allows the questions from the LBP Compliance Key to be answered on the computer and the responses used to generate a project specific report that outlines the compliance requirements for each individual single family residence or multifamily complex.

RD programs that provide Federal assistance for child-occupied facilities (i.e., Business, Community Facilities) must comply with EPA LBP requirements found in 40 CFR part 745, subpart L. A child-occupied facility is defined as a building constructed prior to 1978, visited regularly by the same child, 6 years of age or under, on at least 2 different days within any week (Sunday through Saturday period), provided that each day's visit lasts 3 hours and the combined annual visits last at least 60 hours. Children-occupied facilities may include, but are not limited to, day-care centers, preschools, and kindergarten classrooms.

The EPA, HUD, and Consumer Product Safety Commission have jointly produced a LBP awareness pamphlet entitled *Protect Your Family From Lead in Your Home*. This pamphlet is a good source of information of LBP hazards found in the home and is available in English and Spanish. The pamphlet, and other useful information is available online at the EPA web-site:

http://www.epa.gov/lead/leadpbed.htm

The pamphlet is also available at HUD's Healthy Homes and Lead Hazard Control web-site at:

http://www.hud.gov/offices/lead/

7.5. Resources

For general information call the National Lead Information Center **1-800-LEAD-FYI**

For more information EPA's Safe Drinking Water Hotline **1-800-426-4791,** or the local County Health Department.

The Washington State Department of Health has a toll free hotline for all questions regarding lead, call toll free **(800) 909-9898.**

The State Director has appointed staff members to a state *LBP Support Team. The LBP Support Team* is comprised of both technical and program representatives. Washington State *LBP Support Team* members are Rich Baker, State Architect, Gayle Hoskison, SFH RDM, and R. A. Larson, State Environmental Coordinator.

Please direct all questions pertaining to RD adopted sections of the LBP regulations to members of the *State LBP Support Team.*

8.0.Clandestine Drug Labs

8.1. Background

Methamphetamine, also known as "crank" or "speed", is a potent central nervous system stimulant with the potential to cause drug dependence. Possession, manufacture, or distribution is unlawful in many countries, including the United States.

An illegal methamphetamine or crank lab is one, which is set up to produce this illegal drug. There are several different techniques used to produce methamphetamine. All of the processes use a variety of chemicals including explosives, solvents, metals, salts, and corrosives. During the drug manufacturing process (cooking), additional compounds and by-products are produced. The fumes, vapors, and spillage associated with cooking can be toxic.

The risk of injury from chemical exposure depends on the chemical itself, the concentration, the quantity, and the length and route of exposure. Chemicals may enter the body by being breathed, eaten, injected (by a contaminated needle or accidental skin prick), or absorbed by the skin. An acute chemical exposure is one that occurs over a relatively short period of time and may result in health effects. An acute exposure to high levels of contaminants found in methamphetamine labs cause shortness of breath, cough, chest pain, dizziness, lack of coordination, chemical irritation, and burns to the skin, eyes, mouth and nose, and in severe cases, death. Acute reactions of this nature could occur during or immediately after a drug bust, before the lab has been ventilated. Less severe symptoms resulting from a less acute exposure cause headache, nausea, dizziness, and fatigue or lethargy. These symptoms have been known to occur in people who have entered a drug lab after the bust has been completed, but before the property has been adequately cleaned and ventilated. These symptoms usually go away after several hours.

Inhalation or skin exposure may result in injury from corrosive substances present in a methamphetamine lab. Symptoms range from shortness of breath, cough, chest pain, to burns to the skin. Exposure to solvents can irritate the skin, mucous membranes, respiratory tract, and cause central nervous system effects. They are also dangerous because of their fire and explosive properties.

Chronic exposure occurs over an extended period of time, such as weeks, months, or years. A chronic health effect is one that usually appears after a lengthy period of time, possibly years. Not much is known about the chronic health effects from these labs. However, there is scientific evidence from animal and human toxicity studies that shows the chemicals used in the manufacture of this drug can cause a range of health effects. These include cancer, damage to the brain, liver and kidneys, birth defects, and reproductive problems, such as miscarriages.

In summary, because of the possible health effects associated with methamphetamine labs:

- No one should enter a place that has been used as an illegal methamphetamine drug lab without appropriate personal protective equipment unless the area has been ventilated and decontaminated.

- No one should rent, purchase, or otherwise occupy a house or dwelling which has been used as an illegal drug lab until the property has been decontaminated according to the best available technology. Washington State law requires notice on property title The decision to rent, purchase or otherwise occupy a house or dwelling which has been used as a drug lab should be made with the knowledge that no decontamination procedure can guarantee absolute safety for re-occupancy.

8.2. Regulatory Authority

Federal

Comprehensive Drug Abuse Prevention and Control Act of 1970.

State

Uniform Controlled Substance Act of 1971, chapter 69.50 RCW, as amended.
Omnibus Drug Lab Law of 1989, chapter 64.44 RCW

8.3. Location of Hazard

The illegal manufacture of drugs has become a significant public health concern during the past several years. In 1988, twenty-five methamphetamine (meth) manufacturing labs were seized in Washington State. In 2000, 1890 meth labs were seized. Unfortunately, rural, isolated or abandoned single family residences are often used to set up meth labs. RD financed SFH and REO properties have been found to have been used as meth labs. No part of the state is immune. Meth labs can happen anytime and anywhere.

Here's a list of items that may indicate the presence of an illegal and dangerous methamphetamine lab. These items may be found inside or outside, including in the trash. Furnished by the Northwest High Intensity Drug Traffic Area agency, the list includes:

- Numerous cold-tablet packages listing ephedrine or pseudoephedrine as ingredients.
- An unusually large amount of any of these items: Coleman stove fuel, paint thinner, acetone, starting fuel, Red Devil lye, drain cleaners containing sulfuric acid, bottles of muriatic or hydrochloric acid.

-
- Large numbers of lithium batteries, especially batteries that have been taken apart.

- Bottles or jars with rubber tubing attached. They may contain fine dark-red or purple powder, dark and shiny metallic purple crystals, or small amounts of shiny white crystals.

- Portable propane tanks with fittings that have turned blue.

- Glass cookware or frying pans containing a powdery residue.

- Coffee filters containing substances that obviously aren't coffee.

Drug labs may also give off a strong smell of urine or unusual chemical smells like ether, ammonia or acetone. However, labs may emit no odors to the outside, so another tip-off is occupants who, because of the explosive nature of the chemicals involved, go outside to smoke.

8.4. Rural Development Responsibility

Should RD personnel suspect the presence of a hazardous substance, i.e., an active methamphetamine (meth) lab, during a visit or inspection of any property the Agency has financial interest, the RD personnel shall contact the State Environmental Coordinator and immediately implement the following procedures:

- If property is abandoned, RD personnel shall secure dwelling entry door(s) and vacate the property immediately. Do not linger inside of the dwelling. If dwelling is not abandoned and evidence of a meth lab is visible. Leave property immediately.

- Notify local law enforcement. Law enforcement may assume the role as lead agency and contact the appropriate trained law enforcement agency for assistance, or they may elect not to respond if meth lab is obviously abandoned

- If law enforcement assumes lead agency role, they will initiate an investigation and contact the Washington State Department of Ecology (DOE) Hazardous Spills Response Team to remove the hazardous materials. DOE will then contact the Department of Health (DOH) Office of Environmental Health and Safety for a Pre-site Assessment to determine clean-up measures to make the dwelling habitable.

- If law enforcement elects not to respond, RD personnel will notify the Local Department of Health (DOH) Office of Environmental Health and Safety for a Pre-site Assessment at **http://www.doh.wa.gov/LHJMap/LHJMap.htm**.

- RD personnel will also insure that the Regional Department of Ecology Hazardous Spills Response Team is notified at: **http://www.ecy.wa.gov/programs/spills/other/othertable.htm**
  Note: If hazardous substances are evident on the property, DOH will normally notify DOE.

- RD personnel will prepare a Non-Contractual Purchase Order, charged to the REO account to the local DOH in the amount of $1500.00. Use appropriate Budge Object Code for Property Management of an REO. Purchase Order is to be submitted to the SFH Division for funds approval immediately. **Funds for DOH action will need to be approved in advance of any work being completed. No Pre-site Assessment, sampling, or clean up work shall be completed prior to funds approval.** This is especially important to remember, even if law enforcement is initiating the action from DOH.

A summary of charges for the above listed services: Law enforcement does not charge, except in King County. DOE does not charge for clean up unless the perpetrator is the owner of the property (RD would not be held financially responsible). DOH does charge, but charges vary greatly as each local health district has its own fee schedule.

An estimated cost breakdown of DOH charges:

- Pre-site Assessment with no sampling - $0.00 to a maximum of $500.00, typically $250.00.

- Pre-site Assessment with sampling - $1000.00.

- All clean-up work must by done by DOH certified contractors and the contractor performing the work must submit a "work plan" to the local DOH office for review and approval, cost for this "work plan" review and approval - $0.00 to $250.00.

8.5. Resources

Questions about environmental contamination from an illegal lab, contact the Washington Department of Ecology Regional office:

http://www.ecy.wa.gov/feedback.html

If you have other questions about illegal drug labs, contact:

Office of Environmental Health and Safety
Washington State Department of Health
PO Box 47825
7171 Cleanwater Lane
Olympia, WA 98504-7825
(360) 236-3380
1-888-586-9427

Link to Map of local health offices:
http://www.doh.wa.gov/LHJMap/LHJMap.htm

9.0.MOLD

9.1. Background

Fungi are a class of organism that includes yeasts, molds, mildews, and mushrooms. Fungi, other than mushrooms, live as single cells or as threadlike structures know as hyphae. Fungi reproduce through the production of spores. Spores can enter the air (be aerosolized); therefore, humans can come in contact with spores through skin and respiratory exposure. Fungi can produce secondary metabolites which include antibiotics (penicillin) and mycotoxins. These toxins may adversely impact human health. Some other metabolites are volatile organic compounds and cause musty, moldy smells. Fungi require water to grow and can tolerate a wide range of temperature.

With more than 100,000 species in the world, molds can be found everywhere. Neither animal nor plant, molds are microscopic organisms that produce enzymes to digest organic matter and spores to reproduce. These organisms are part of the fungi kingdom, a realm shared with mushrooms, yeast, and mildews. In nature, mold plays a key role in the decomposition of leaves, wood, and other plant debris. Without mold, we would find ourselves wading neck-deep in dead plant matter. And we wouldn't have great foods and medicines, such as cheese and penicillin. However, problems arise when mold starts digesting organic materials we don't want them to, like our homes.

Molds produce tiny spores to reproduce. Mold spores waft through the indoor and outdoor air continually. When mold spores land on a damp spot indoors, they may begin growing and digesting whatever they are growing on in order to survive. There are molds that can grow on wood, paper, carpet, and foods. When excessive moisture or water accumulates indoors, mold growth will often occur, particularly if the moisture problem remains undiscovered or un-addressed. There is no practical way to eliminate all mold and mold spores in the indoor environment; the way to control indoor mold growth is to control moisture.

Once mold spores settle, they need moisture to begin growing and digesting whatever they are growing on. There are molds that can grow on wood, ceiling tiles, wallpaper, paints, carpet, sheet rock, and insulation. When excess moisture or water builds up in from say, a leaky roof, high humidity, or flooding, conditions are often ideal for molds. Longstanding moisture or high humidity conditions and mold growth go together. Realistically, there is no way to rid all mold and mold spores, the way to control mold growth is to control moisture.

The key to mold control is moisture control. It is important to dry water damaged areas and items within 24-48 hours to prevent mold growth. If mold is a problem in a home, clean up the mold and get rid of the excess water or moisture. Fix leaky plumbing or other sources of water. Wash mold off hard surfaces with detergent and

water, and dry completely. Absorbent materials (such as ceiling tiles & carpet) that become moldy may have to be replaced.

Stachybotrys chartarum is a black slimy mold that is common outdoors, but can grow indoors if requirements are met. (Note: not all black molds are Stachybotrys chartarum.) It can grow on paper, sheet rock, and other high cellulose materials. Stachybotrys chartarum may cause serious health problems from volatile gases or toxicity from inhalation or skin contact with toxin-containing spores. Toxic effects at relatively low doses include rashes, mild neurotoxic effects such as headaches, nausea, muscle aches and pains, and fatigue. The immune system may also be affected resulting in a decreased resistance to infections. Health problems related to long-term exposure to toxins have not been studied.

Ten Things You Should Know About Mold

1. Potential health effects and symptoms associated with mold exposures include allergic reactions, asthma, and other respiratory complaints.

2. There is no practical way to eliminate all mold and mold spores in the indoor environment; the way to control indoor mold growth is to control moisture.

3. If mold is a problem in your home or school, you must clean up the mold and eliminate sources of moisture.

4. Fix the source of the water problem or leak to prevent mold growth.

5. Reduce indoor humidity (to 30-60%) to decrease mold growth by: venting bathrooms, dryers, and other moisture-generating sources to the outside; using air conditioners and de-humidifiers; increasing ventilation; and using exhaust fans whenever cooking, dishwashing, and cleaning.

6. Clean and dry any damp or wet building materials and furnishings within 24-48 hours to prevent mold growth.

7. Clean mold off hard surfaces with water and detergent, and dry completely. Absorbent materials such as ceiling tiles, that are moldy, may need to be replaced.

8. Prevent condensation: Reduce the potential for condensation on cold surfaces (i.e., windows, piping, exterior walls, roof, or floors) by adding insulation.

9. In areas where there is a perpetual moisture problem, do not install carpeting (i.e., by drinking fountains, by classroom sinks, or on concrete floors with leaks or frequent condensation).

10. Molds can be found almost anywhere; they can grow on virtually any substance, provided moisture is present. There are molds that can grow on wood, paper, carpet, and foods.

9.2. Regulatory Authority

Federal

Currently there are no federal standards.

State

Currently there are no state standards

9.3. Location of hazard

Water in homes can come from many sources. Water can enter by leaking or by seeping through basement floors. Showers or even cooking can add moisture to the air in the home. The amount of moisture that the air in homes can hold depends on the temperature of the air. As the temperature goes down, the air is able to hold less moisture. This is why, in cold weather, moisture condenses on cold surfaces (for example, drops of water form on the inside of a window). This moisture can encourage mold to grow.

There are many ways to control moisture, fix leaks and seepage. If water is entering the house from the outside, options range from simple landscaping to extensive excavation and waterproofing. (The ground should slope away from the house.) Water in basements can result from the lack of gutters or a water flow toward the house. Water leaks in pipes or around tubs and sinks can provide a place for mold to grow. Plastic cover installed over soil in crawlspaces prevents moisture from coming in from the ground. Be sure crawlspaces are well-ventilated. Use exhaust fans in bathrooms and kitchens to remove moisture directly to the outside (not into the attic). Vent clothes dryer directly to the outside. Turn off certain appliances (such as humidifiers or kerosene heaters) if moisture is present on windows and other surfaces. Use dehumidifiers and air conditioners, especially in hot, humid climates, to reduce moisture in the air, but be sure that the appliances themselves don't become sources of mold. Raise the temperature of cold surfaces where moisture condenses. Use insulation or storm windows. (A storm window installed on the inside works better than one installed on the outside.) Open doors between rooms (especially doors to closets which may be colder than the rooms) to increase circulation. Circulation carries heat to the cold surfaces. Increase air circulation by using fans and by moving furniture from wall corners to promote air and heat circulation. Be sure house has a source of fresh air and can expel excessive moisture from the home. Pay special attention to carpet on concrete floors. Carpet can absorb moisture and serve as a place

for biological pollutants to grow. Use area rugs which can be taken up and washed often. In certain climates, if carpet is to be installed over a concrete floor, it may be necessary to use a vapor barrier (plastic sheeting) over the concrete and cover that with sub-flooring (insulation covered with plywood) to prevent a moisture problem. Moisture problems and their solutions differ from one climate to another.

9.4. Rural Development Responsibility

In response to ever increasing concerns and complaints regarding the presence of mold located inside buildings, primarily residential, and the potential for causing serious health and structural problems, RD is currently establishing a responsible and appropriate Agency role in the quest to prevent and eliminate mold in Agency funded properties. Preventive and corrective actions are complex because of the difficulties in determining the cause and severity of mold, and identifying the appropriate source of funds and qualified personnel for testing and removal of the mold, and restoring the property to an acceptable condition. Recent court decisions, costly judgements, expensive clean up, increasing media coverage, and pending state and federal legislation clearly indicates that mold is rapidly becoming a major critical risk management and liability issue. Should RD personnel encounter the presence of mold during a visit or inspection of any property the Agency has financial interest, the RD personnel shall contact the State Environmental Coordinator immediately.

For all REO properties, RD personnel should refer to Washington AN 919, dated July 14, 2003, regarding the Seller's Disclosure and Purchaser's Acknowledgement form found in Appendix 8.

Appropriate language required to modify the Quitclaim Deed on properties that do not meet Decent, Safe, and Sanitary (DSS) standards and for use as an Attachment to the Quitclaim Deed, as well as similar language on "The Notice of Residential Occupancy Restriction" is found in Appendix 5 and Appendix 6.

9.5. Resources

The U.S. Environmental Protection Agency (EPA) is the primary resource for information regarding mold. EPA's office of Indoor Air Quality web-site is:

http://www.epa.gov/iaq/molds/moldresources.html

Available on this web-site is a very good primer on mold titled "A Brief Guide to Mold, Moisture and Your Home" available in pdf. format.

The Washington State Department of Health Office of Environmental Health and Safety also has a web-site on Indoor Air Quality and additional information on mold. The DOH web-site is found at:

http://www.doh.wa.gov/ehp/ts/IAQ.HTM

10.0. ENERGY

10.1. Level of Protection

Title III of the Energy Conservation and Production Act, P.L.94-385, 90 Stat. 1144 et seq., 42 U.S.C. 4321.

Rural Development actions should take in to consideration negative impacts to energy resource supplies, as well as the potential harmful effects of co-location near energy production, transmission, and storage facilities.

State

Washington State Building Code Act, Chapter 19.27 RCW.
Washington State Energy Code, Chapter 51-11 WAC (State Residential Energy Code is contained in Chapters 1 through 10)

10.2. Agency Jurisdiction

Federal

Rural Development's own regulations contain the agency's design criteria for energy conservation for both new and renovation construction. These standards are program specific and set minimum levels of expected thermal performance.

The U.S. Department of Energy (DOE) provides general oversight of the Nation's energy supplies and hazards posed by them.

U.S. Department of Energy
Seattle Regional Office (SRO)
800 Fifth Ave. Suite 3950
Seattle, WA 98104
(206) 553-1004
Fax: (206) 553-2200
http://www.eere.energy.gov/regions/western/

State

Washington State Office of Trade & Economic Development
Energy Policy Group
925 Plum Street SE, Bldg. 4
Olympia, WA 98504-3173
(360) 956-2096
http://www.cted.wa.gov/DesktopDefault.aspx?tabindex=73&tabid=9

10.3. Location of Resource

Rural Development proposed actions typically are not expected to impact subsurface energy deposits but rather transmitted processed fuels. Local energy providers should be consulted with respect to the availability of energy resources for Agency financed projects prior to funding commitment.

Harmful energy transmission and storage structures within project impact areas should be identified and their potential threats assessed. Utility right-of-way should be evaluated this context.

11.0. NOISE QUALITY

11.1. Level of Protection

Federal

Subpart B on Noise Abatement and Control to Part 51 of Title 24, Code of Federal Regulations.

U.S. Department of Housing and Urban Development: *"Noise Abatement Regulations"*

The traditional definition of noise is "unwanted sound." There are two types of permanent noises which are potentially associated with Rural Development funded activities: Occupational noise created by extremely loud machinery, and community noise created by external sources such as highways, railroad, and airports.

The best solution for mitigating potential noise impacts is locate noise sensitive projects (primarily residential properties) where they will not be exposed to high noise levels. Use of the U.S. Department of Housing and Urban Development's *"Noise Assessment Guidelines"* which employs a quantitative approach to assessing the noise hazard which can then be used to compare results against target noise level goals. These guidelines use a recommended day/night noise level or DNL system, a weighted average measured in decibels, reflecting a more realistic assessment over a 24-hour period rather than just peak noise readings. The State Architect may be consulted regarding the use of the *"Noise Assessment Guidelines."*

State and Local

None

11.2. Agency Jurisdiction

Federal

Noise evaluations are a factor to be considered when performing NEPA environmental impact analyses in advance of Rural Development proposed funding. Future projections of increased noise levels due to anticipated increases in noise source activity levels should also be taken into consideration. Maximum recommended noise thresholds have been developed in unison by several federal agencies, including U.S. Department of Housing and Urban Development, U.S. Department of Transportation, and U.S. Department of Defense for various type projects in addition to housing developments.

State and Local

None

11.3. Location of the Resource

Federal

For Single Family Housing Direct Loan Program, Rural Development HB-1-3550, Paragraph 5.8 (D) Noise Assessment states that if a site is located near a major source of noise (see below) as indicated on Attachment 5-B, question 5, that information should be made available to the appraiser for consideration in the appraisal. The information should also be made available to the applicant. The applicant, once informed, may wish to look for an alternate site or consider some method of noise reduction. A noise assessment may be completed by the Agency or the applicant, to determine the severity of the problem and to assist in deciding what mitigation steps might be considered. The loan approval official should consult with the State Architect on any proposals for noise reduction.

The noise analysis/abatement methodology should be employed with respect to other agency funded housing projects and any other projects with special noise sensitivity. This method studies three major noise sources: airports, railway systems, and vehicular transportation systems and introduces vibration impacts as an additional component to be considered.

The Department of Housing and Urban Development (HUD) external standards for the degree of acceptability of the noise environment at a site is determined by the sound levels external to the building or other facilities containing noise sensitive uses. The standards shall usually apply at a location 2 meters (6.5 feet) from the building housing the noise sensitive activities in the direction of the predominant noise source. The site acceptability standard is the acceptable day-night 24-hour average sound level of not more than 65 dB (decibels).

Normally a noise assessment may be initiated anytime RD proposes to fund a housing or other noise sensitive project within the following ranges of key noise sources:

- Airports (Civil and Military) with daily jet operations within 15 miles of the site(s).
- Railroad lines with daily operations of more than two within 3,000 feet of the site(s).
- Highways and major roadways* within 1,000 feet of the site(s). *Major roadways and highways are defined as follows:

  Principal Arterial system: A connected network of rural arterial routes with appropriate extensions through urban areas, including all routes designated as part of the Interstate System, that serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel.

Multilane Highway: A highway with a least two lanes for exclusive use of traffic in each direction, with or without partial control of access, that may have periodic interruptions to flow at signalized intersections.

Following are recommended contacts for gathering noise data with respect to various noise sources, which might impact RD funded activities:

(1) Airport noise - Contact relevant local Airport Operations Center(s), Federal Aviation Administrative Control Tower, or Military Operations Center within the area of anticipated environmental impact.

(2) Railroad noise - Contact the Engineering Department of the relevant railway system within the area of anticipated environmental impact.

(3) Vehicular noise – Contact Washington Department of Transportation, Traffic Data Section @ **360.570.2378** with regard to relevant noise source within the area of anticipated environmental impact, or go to the following web site for WDOT's Annual Average Daily Traffic (AADT) available on-line as the Average Traffic Report (ATR):

http://www.wsdot.wa.gov/mapsdata/tdo/default.htm

Other useful web sites:

Federal Highway Administration web-site for information on traffic noise:

http://www.fhwa.dot.gov/environment/htnoise.htm

and

http://www.fhwa.dot.gov/environment/noise/index.htm

Worksheet to calculate decibel levels for traffic:

http://www.xs4all.nl/~rigolett/ENGELS/vlgcalc.htm

State and Local

None

RUS Bulletin 1794A-602

Available at

http://www.usda.gov/rus/water/regs-bulletins.htm

RD Instruction 1940-G

Available at

http://rdinit.usda.gov/regs/regs_toc.html#1940

Biological Survey/Assessment Requirements

A GUIDE TO BIOLOGICAL ASSESSMENTS
Revised March 23, 1999

Prepared by the National Marine Fisheries Service
Washington Habitat Conservation Branch
510 Desmond Drive SE, Suite 103
Lacey, Washington 98503

Section 7 of the Endangered Species Act (ESA) requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service (USFWS) if they determine that any action they fund, authorize or carry out may affect a listed species or designated critical habitat. Consultation with NMFS is required for projects affecting marine, estuarine and anadromous fishery resources and their habitats.

The purpose of a biological assessment (BA) is to determine if a project, or action, will have an effect on a listed species and if either informal or formal consultation is required. The BA may also be used to achieve compliance with the National Environmental Policy Act (NEPA).

- BAs are required for major construction projects under Section 7(c) of the ESA.
- BAs are recommended for all other federal activities (actions that are authorized, funded or carried out by a federal agency).
- The assessment may be completed as a section of a NEPA document or prepared as a stand-alone document.
- A BA is not required if only proposed species or proposed critical habitat may occur within a project area. However, should the listing/designation become final, a BA would be required.

The BA provides the analysis of project impacts to listed and proposed species/critical habitat that are likely to be found in the project area (candidate species are optional). Based on this analysis, the BA makes an "effect determination" for the proposed action. Effect determinations are further defined on page 3 of this document.

- If the project has "<u>no effect</u>" on listed species/critical habitat and it is not a major construction activity, there is no requirement to consult; however, this should be documented in your project files. If there is no effect, but the project is a major construction activity, you must seek concurrence with NMFS through informal consultation. Concurrence is generally provided in writing, but can occur via a meeting or phone call in limited circumstances.
- If the project "<u>may affect, but not likely to adversely affect</u>" (NLAA) listed species/critical habitat, consultation is required; you must seek concurrence with NMFS through informal consultation.
- If the project "<u>may affect, and likely to adversely affect</u>" (LAA) listed species/critical habitat, you must initiate formal consultation with NMFS. Formal consultation involves the submittal of a BA to NMFS and the receipt of a Biological Opinion from NMFS. The Biological Opinion provides authorization for the incidental take of listed species.
- If the project is <u>likely to jeopardize a proposed species</u> or is <u>likely to adversely modify proposed critical habitat</u>, formal conference with NMFS is required. This requires submittal of

a BA to NMFS and the receipt of a Conference Opinion from NMFS.

The Federal action agency may designate the applicant or a non-Federal representative (often a consultant) to prepare the BA, although the action agency must take responsibility for the content of the assessment and for the findings of effect.

Attachment 1 provides reference material on biological assessments from the ESA Section 7 Consultation Handbook prepared by the U.S. Fish and Wildlife Service and National Marine Fisheries Service, March, 1998.

Recommended Contents of Biological Assessments for Submission to NMFS

1. Project Description. Describe the type and scope of action proposed and provide a chronology of when activities will occur. Provide detailed information about project components specifically pertinent to the species. Cite any past consultations. If the project is presently being evaluated under NEPA and there is no preferred alternative for the project, each alternative must have a separate BA.

2. Description of the Project Area. Provide a legal description and a map of the project area. Describe the environmental baseline, which is the current (pre-project) condition of the habitat and project area. The description of the baseline should address all pertinent habitat parameters for the species. NMFS' preferred approach for assessing environmental baseline conditions is detailed in the attached report entitled "Making Endangered Species Act Determinations of Effect for Individual or Grouped Actions at the Watershed Scale" (Attachment 2). The BA should also include information about past and present activities in the area that relate to the species or its habitat, and/or the proposed action.

3. List of Species. Cite a species list provided by NMFS or other source of information.

4. Description of the Species and Habitat. Describe the species and its habitat requirements in general and relate that to the local population(s). Describe the habitat in the project area and how local populations use it. This section often includes a brief compilation of relevant scientific literature on the species. It may also be appropriate to discuss the local status of the species as well.

5. Inventories and Surveys. The BA should be based on current site-specific information about the species. Describe efforts to determine the status of the species in the project area, including information on the timing and method of surveys.

6. Analysis of Effects. Refer to NMFS' "Making Endangered Species Act Determinations of Effect for Individual or Grouped Actions at the Watershed Scale" (Attachment 2) for definitions and examples of ESA effects. This document also contains a matrix of key aquatic and riparian habitat parameters for anadromous salmonids and a checklist to be used in conjunction with the matrix to describe the effects of the action on each habitat indicator.

7. The BA should provide a thorough analysis of potential direct, indirect and cumulative effects of the action on the species and its habitat, including any interrelated and

interdependent effects. The evaluation of indirect effects should include consideration of immediate and future effects that may result from the project. (For example, a road built for a timber sale may result in long-term human access and continued effects on the species.) As defined by Section 7 of the ESA, the consideration of cumulative effects should include all future state or private actions that are reasonably certain to occur in the project area.

8. Management Actions Related to the Species. The BA should describe components of the project that may influence the species. Provide a full description of mitigation measures which are part of the project and have impact on the species. This section should include a description of any proposed monitoring of the species, its habitat and mitigation effectiveness.

9. Conclusion. Attachment 2 contains a dichotomous key, to be used in conjunction with the matrix and checklist, to assist in making effect determinations for anadromous salmonids.

The BA must contain a distinct statement of the effect of the project on the species. The determination must be one of the following:

No effect- the appropriate conclusion when it is determined that the proposed action will not affect listed species or critical habitat.
May affect, not likely to adversely affect-the appropriate conclusion when the effects on the species or critical habitat are expected to be beneficial, discountable or insignificant. Beneficial effects have contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impacts and should never reach the scale where take occurs. Discountable effects are those extremely unlikely to occur. Based on best judgement, a person would not (1) be able to meaningfully measure, detect or evaluate insignificant effects; or (2) expect discountable effects to occur.
May affect, likely to adversely affect-the appropriate conclusion if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but is also likely to cause some adverse effects, then the proposed action is "likely to adversely affect" the listed species or critical habitat. A "likely to adversely affect" determination requires formal Section 7 consultation.
Likely to jeopardize proposed species or adversely modify proposed critical habitat- the appropriate conclusion when the action agency or NMFS identifies situations in which the proposed action is likely to jeopardize the proposed species or adversely modify the proposed critical habitat. If this conclusion is reached, conference is required.

10. References. Refer to all appropriate project documents, particularly if the assessment depends on information located elsewhere (e.g., in an EIS). You should consider providing NMFS with copies of pertinent documents along with the BA. Provide citations for other information referred to in the BA, such as current literature and personal contacts used in the assessment (include name, affiliation and date).

Transaction Screen Questionnaire

ASTM E -1528-00 "Standard Practice for Environmental Site Assessments: Transaction Screen Questionnaire" and Transaction Screen Questionnaire (TSQ) form.

The TSQ is essentially a set of questions that guide the preparer through the process of inquiry into current and present land use of the site and adjacent properties to determine the potential for contamination. The "Standard Practice" provides a set of instructions for the use of the form.

Agency employees should read the Standard Practice prior to completing the TSQ form. The form may be used for any Rural Development (RD) program. Questions should be directed toward the State Environmental Coordinator (SEC).

NOTE: ASTM copyrights both the "Standard Practice" and the TSQ form that was developed in conformance with the Standard Practice. Rural Development has paid ASTM a fee for the right to copy and redistribute these documents for **Agency use only**. Therefore the TSQ is no longer available in the Natural Resources Management Guide (NRMG). To obtain copies of the "Standard Practice" and TSQ form, contact the SEC, or go to the RD Washington State Intranet website.

Form RD 1955-44 **United States Department of Agriculture**
(Rev. 2-98)

NOTICE OF RESIDENTIAL OCCUPANCY RESTRICTION

Property Address: _____

_____

_____

Pursuant to section 510(e) of the Housing Act of 1949, as amended, 42 U.S.C. ss 1480(c), the purchaser ('Grantee' herein) of the above-described real property (the 'subject property' herein) covenants and agrees with the United States acting by and through the Rural Housing Service of the Rural Development mission area of the United States Department of Agriculture, or its successor Agency (the 'Grantor' herein) that the dwelling unit(s) located on the subject property as of the date of this Quitclaim Deed will not be occupied or used for residential purposes until the item(s) listed at the end of this paragraph have been accomplished. This covenant shall be binding on the Grantee and the Grantee's heirs, assigns and successors and will be construed as both a covenant running with the subject property and as equitable servitude. This covenant will be enforceable by the United States in any court of competent jurisdiction. When the property complies with the following standards of the Grantor or the unit(s) has been completely razed, upon application to the Grantor in accordance with its regulations, the subject property may be released from the effect of this covenant and this covenant will thereafter be of no further force or effect. The property must be repaired and/or renovated as follows:

(*for asbestos*)

This property has been tested and found to contain friable asbestos materials. Asbestos has been shown to cause cancer of the lung and stomach according to the U.S. Environmental Protection Agency (EPA) and may cause adverse health effects. The purchaser is cautioned to be aware of this potential health hazard and to exercise appropriate measures, including possible remedial actions to safeguard human health within the property.

(*List remedial actions*.)

…

(*for radon*)

This property has been tested and found to contain radon gas. Radon gas has been shown to cause cancer of the lung according to the U.S. Environmental Protection Agency (EPA) and may cause adverse

health effects. The purchaser is cautioned to be aware of this potential health hazard and to exercise appropriate measures, including possible remedial actions to safeguard human health within the property.

(*List remedial actions*.)

…

(*for toxic mold*)

This property has been tested and found to contain toxic mold. Toxic mold has shown to cause serious health problems from inhalation or skin contact according to the U.S. Environmental Protection Agency (EPA) and may cause adverse health effects. The purchaser is cautioned to be aware of this potential health hazard and to exercise appropriate measures, including possible remedial actions to safeguard human health with the property.

(*List remedial actions*.)

Form RD 1955-44 **United States Department of Agriculture**
(Rev. 2-98)

NOTICE OF RESIDENTIAL OCCUPANCY RESTRICTION

Property Address: _____

_____

_____

This property contains a dwelling unit or units which the Rural Housing Service of the Rural Development mission area of the United States Department of Agriculture, or its successor Agency has deemed to be inadequate for residential occupancy. The Quitclaim Deed by which the property will be conveyed will contain a convenant restricting the residential unit(s) on the property from being used for residential occupancy until the dwelling unit is repaired, renovated, or razed. This restriction is imposed pursuant to section 510(e) of ht Housing Act of 1949, as amended, 42 U.S.C., 1480. The property must be repaired and/or renovated as follows:

(*for asbestos*)

This property has been tested and found to contain friable asbestos materials. Asbestos has been shown to cause cancer of the lung and stomach according to the U.S. Environmental Protection Agency (EPA) and may cause adverse health effects. The purchaser is cautioned to be aware of this potential health hazard and to exercise appropriate measures, including possible remedial actions to safeguard human health within the property.

(*List remedial actions*.)

…

(*for radon*)

This property has been tested and found to contain radon gas. Radon gas has been shown to cause cancer of the lung according to the U.S. Environmental Protection Agency (EPA) and may cause adverse health effects. The purchaser is cautioned to be aware of this potential health hazard and to exercise appropriate measures, including possible remedial actions to safeguard human health within the property.

(*List remedial actions*.)

…

(*for toxic mold*)

This property has been tested and found to contain toxic mold. Toxic mold has shown to cause serious health problems from inhalation or skin contact according to the U.S. Environmental Protection Agency (EPA) and may cause adverse health effects. The purchaser is cautioned to be aware of this potential health hazard and to exercise appropriate measures, including possible remedial actions to safeguard human health with the property.

(*List remedial actions*.)

United State Department of Agriculture

COVENANT REGARDING HAZARDOUS SUBSTANCE WARRANTY

When disposing of REO properties, prospective purchasers, lessees, or tenants will be notified of any possible contamination of the property by releases of hazardous substances, hazardous wastes, or petroleum products, as well as any information concerning any clean-up activities by attaching to the deed or lease a statements containing the following language must be include.

The Rural Housing Service of the Rural Development mission area of the United States Department of Agriculture investigation into potential contamination at (*location of property*) is contained in the due diligence report, and a description of any clean-up activities is available for public review or has been made available to the purchaser or lessee (*identify by name*).

The United States by and through the Rural Housing Service of the Rural Development mission area of the United State Department of Agriculture, or its successor Agency does not provide warranty regarding the accuracy of the information in the due diligence report or the effectiveness of any clean-up activities.

SELLER'S DISCLOSURE AND PURCHASER'S ACKNOWLEDGEMENT

Seller's Disclosure

Seller, the United States of America, acting through the Rural Housing Service, United States Department of Agriculture, wishes to sell, and Purchaser(s) wishes to buy, a single-family dwelling unit (the *house*), located at _____, Washington.

_____Seller has made a visual walk-through inspection of the house, and has no knowledge of mold presence in the house. Seller has no reports, test, or records pertaining to mold in the house. Notwithstanding the fore-going, Seller gives no warranty that mold is not present in the house.

_____Seller has made a visual walk-through inspection of the house and known mold is present, as stated below:

(Describe)

_____.

Purchaser(s) Acknowledgement (initial)

_____Purchaser(s) has (have) read the disclosure above.

Purchaser(s) has (have) (initial paragraph 1 or 2)

1._____received a 10-day opportunity (or mutually agreed upon period, to wit:_____) to conduct mold testing or inspection for the presence of mold: or

2._____waived the opportunity to conduct mold testing or inspection for the presence of mold.

Purchaser(s), on behalf of him/herself (themselves), other family members who may occupy the house, guest, invitees and licensees, hereby waive any and all claims they may have against the Rural Housing Service related to the presence of mold in the house, and further hold the Rural Housing Service, its agent and employees, harmless against any such claims.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

_____ _____
USDA, Rural Development (Seller) Date

_____ _____
Purchaser Date Purchaser Date

_____ _____
Agent Date Agent Date

MEMORANDUM OF UNDERSTANDING AND AGREEMENTS

US Department of Agriculture Rural Development, Washington State Rural Utility Service has entered into a Memorandum of Understanding (MOU) and Agreement with the following Co-funding Agencies:

US Department of Agriculture Forest Service
Washington State Department of Ecology
Washington State Office of Community Development
Washington State Public Works Board

The organizations noted above provide financial assistance for planning, design, and construction of water and/or water pollution control systems in communities in Washington State. The purpose of this MOU is to foster cooperation among the Agencies in structuring and implementing the environmental process associated with water, wastewater, and water quality projects financed with federal funds by working together to improve the effectiveness and efficiency of the programs they administer.

This MOU allows the implementation of one efficient and effective environmental review process that meets the requirements of the National Environmental Policy Act (NEPA), State Environmental Policy Act (SEPA), and State Environmental Review Process (SERP).

* * * *

US Department of Agriculture Rural Development, Washington State Rural Utility Service has entered into a Memorandum of Understanding (MOU) with the US Department of Health and Human Services, Portland Area Indian Health Service.

This MOU establishes the framework of partnering and streamlining between RUS and the HIS in Washington State for providing assistance to American Indians in the development and construction of water, waste water, and solid waste facilities on Tribal lands. The MOU will be supplemented, as necessary, by individual Memoranda of Agreement (MOA) developed and executed by representative of the participating agencies and the Tribes, to meet specific project requirements.

For a complete copy of either MOU, please contact the State Environmental Coordinator.

Unanticipated Discovery Plan

Unanticipated Discovery Plan (UDP) must be "in place" before Notice to Proceed is issued. If earth disturbing activities during project construction uncover cultural materials (i.e. structural remains, historic artifacts, or prehistoric artifacts), all work shall cease and interested Tribes (insert Tribal contact), the Washington State Archaeologist, Dr. Rob Whitlam, at the Office of Archeology and Historic Preservation (OAHP), and RD State Environmental Coordinator (SEC), R. A. Larson, shall be notified immediately.

If earth disturbing activities during any area of the project uncover human remains, all work shall cease immediately in accordance with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) and state statues RCW 27.44. The area around the discovery shall be secured and the County Coroner and the State Archaeologist at OAHP shall be notified immediately. The State Archaeologist shall notify RD SEC and interested Tribes.