

EM
130.6

Memorandum of Understanding
Between
The Department of Housing and Urban Development
Region IX, San Francisco, CA, and
The Environmental Protection Agency, Region IX, San Francisco, CA

I. INTRODUCTION and PURPOSE

This Memorandum of Understanding (MOU) is a record of agreement between the Region IX Offices of the U.S. Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD) concerning EPA review of projects receiving Federal financial assistance and that may affect Region IX sole source aquifers designated pursuant to Section 1424(e) of the Safe Drinking Water Act (PL 93-523). This MOU outlines the steps that will be followed by HUD in determining which projects should be subject to review, and the procedures that will be followed by both agencies in meeting the requirements of Section 1424(e).

Pursuant to Section 1424(e), EPA has designated six (6) aquifers in Region IX (others may be added from time to time) which are the sole or principal source of drinking water for all municipal and private water systems in that watershed, and that if contaminated, would create a significant hazard to public health.

Therefore, per this MOU, no HUD (or HUD grant recipient) commitment for Federal financial assistance and/or Federal insurance may be entered into for any project which EPA pre-determines may contaminate the aquifer through its streamflow source and recharge zones so as to create a significant hazard to public health.

The purpose of this MOU is to ensure that each project proposed within an EPA designated sole source aquifer area (see attached maps) that is to receive HUD mortgage insurance or other financial assistance, is designed and constructed in a manner that will not cause contamination of any EPA designated sole source aquifer nor cause a public health hazard in connection with such designated sole source aquifers. In order to achieve this purpose, HUD or HUD Community Development Block Grant recipients (See Section III) will notify EPA of all applications for projects listed in II-A below at the earliest possible date. If an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) is prepared for any project in the sole source aquifer area, HUD and EPA will coordinate so that the Draft EIS for the project contains EPA's 1424(e) comments.

II. PROJECT IDENTIFICATION

- A. The following projects will be referred to EPA for review/comments under Section 1424(e):

Projects that are located within an EPA designated sole source aquifer area for which HUD mortgage insurance or other assistance is requested, and which involve:

1. Agricultural activities including but not limited to land related operations employed in the production, raising, processing and marketing of crops or livestock.
 2. Construction of (or addition to) residential, commercial or industrial projects, or public facilities, or land developments, whose sanitation facilities will consist of individual disposal systems (cesspools, septic tanks with leach fields or seepage pits), or community sewerage systems (owned either privately or by a homeowners association), or a proposed (i.e. not yet in place) publicly owned piped sanitary sewer system, the discharge from which will terminate within the watershed of the aquifer.
 3. The preparation of an EIS.
 4. Existing or proposed industrial projects which manufacture, store, transport, or dispose of toxic chemicals or radioactive materials.
 5. Acquisition of a site intended to be used for a sanitary landfill and its operation, or closure of a sanitary landfill.
 6. Construction or abandonment of a water well.
 7. Facilities which dispose of their waste water in either dry wells, retention ponds, or by other methods not employing a treatment plant.
- B. The EPA and HUD mutually agree that activities listed below would not affect water quality in Region IX sole source aquifers, and need not be referred to EPA for evaluation prior to HUD approval:
1. Construction of (or addition to) residential, commercial or industrial projects, or public facilities, or land developments, which will be served by an existing and publicly owned and operated sewerage system and treatment plant which is not subject to a locally or EPA imposed moratorium, except for any development covered in A above.
 2. Acquisition, disposition, rehabilitation, reconstruction or modernization of existing projects, buildings, and public facilities.

3. Financial assistance (loans or grants) including refinancing, or provision of mortgage insurance on existing projects, properties, buildings or developments.
4. Public services, preparation of environmental studies, or project plans, planning activities, technical assistance and training, payment/repayment or reimbursement of loans or interest.
5. Emergency activities for mitigating an imminent threat to health and safety.

III. COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATIONS

HUD regulations, at 24 CFR Part 58, implement the requirements of section 104(g) of the Housing and Community Development Act of 1974, as amended, and apply to activities and projects funded with HUD assistance, under all Community Development Block Grant (CDBG) and other grant programs. This includes entitlement grants, non-entitlement (i.e. small cities) grants administered by HUD or by States, and grants to Indian tribes.

Pursuant to section 104(g), a grant recipient's assumption of the responsibility for environmental review and decision making, includes such responsibilities under the other provisions of law and authorities specified at 58.5.

Before committing any CDBG or other grant funds (other than for activities exempt under 58.34), the recipient must certify that it has complied with the requirements and obligations which would apply to HUD under the other laws and authorities, including Section 1424(e) of the Safe drinking Water Act of 1974, as amended.

The following procedures shall apply to CDBG applications in addition to those specified in Section IV below:

- A. HUD will inform all CDBG recipients, and States which administer the Small Cities Block Grant program, that a 1424(e) review will be required for all projects listed in II-A above.
- B. If the recipient submits a Request for Release of Funds (RROF) and certification for a project listed in II-A above, and which EPA has determined will contaminate the sole source aquifer so as to create a hazard to public health and has so advised the recipient in writing, the EPA shall submit an objection to the RROF to HUD (or to the State in the case of a state administered Small Cities Block Grant program) within 15 days from the time EPA receives the Notice of Intent to RROF. In such cases, HUD (or the State) will not release the funds until the matter has been resolved between EPA and the recipient, and HUD (or the State) has been so advised in writing.

- C. The environmental requirements for multi-year projects must encompass the entire multi-year scope of activities and be included in the RROF and certification.

IV. REVIEW PROCEDURE

- A. Upon receipt of applications by HUD, or prior to submitting a RROF and certification to HUD (or to the State) by a recipient, for projects meeting the criteria in II-A above, the HUD office will send copies of the application, or the recipient will send a brief description of the proposed project (see 2 below), to EPA for its review.
1. EPA shall notify the HUD Office (or the recipient) in writing within 10 calendar days to request additional information; it may need to conduct its review.
 2. Information needed by EPA normally includes the following and may be submitted concurrently with Item IV-A above:
 - (a) Location map identifying project location relative to the sole source aquifer area, and topographic map.
 - (b) Description and objective of project activity, including project design, materials to be used, assessment of potential impacts on ground water quality and quantity, and alteration of natural topography and vegetation.
 - (c) Names/addresses/telephone numbers of any City, County, State or Federal agencies that are involved.
 3. EPA shall have 30 calendar days to review and submit its comments to the HUD Office, or to the recipient. The 30 day period will begin when EPA has received the additional data it may have requested.
 4. EPA may request and HUD (or the recipient) may grant additional time for review and comment in exceptional cases. Requests and approvals shall be in writing.
 5. HUD (or the recipient) may approve the project if no EPA approval has been received within the normal 30 days or longer agreed-to period.
 6. EPA review recommendations shall be sent directly to the HUD Office, or to the recipient, as applicable.
 7. When the project reviewed was submitted to EPA by a HUD Field Office, a copy of EPA comments shall also be submitted to:
HUD Regional Environmental Officer
San Francisco, CA 94102

- B. Each Draft EIS prepared by HUD or by a recipient, for projects within a sole source aquifer area, shall reflect EPA comments.
- C. Materials submitted to EPA by HUD or recipients under this Memorandum of Understanding will be addressed to the attention of the Office of Ground Water (W-1-G), EPA Region IX, San Francisco, CA 94105.
- D. Local Area Certification (HUD Handbook 4135.1 Rev 2) - If all or part of the geographical boundaries of a certifiable or conditionally certifiable community are within a sole source aquifer area, and residential land developments will meet criteria II.A.2 above, the HUD office may consult with EPA as part of the certification review process.
- E. HUD and EPA will each assign liaison personnel to serve as contact points and to be responsible for maintaining communications as to procedures and activities of their respective agency in Federal Region IX. The liaison personnel are:

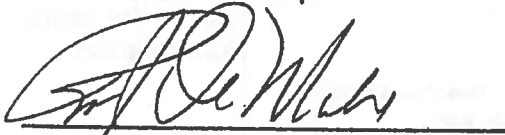
HUD: Regional Environmental Officer
San Francisco, CA 94102

EPA: Director, Office of Groundwater,
San Francisco, CA 94105

The liaison personnel, accompanied by appropriate staff, will hold meetings as needed to discuss matters of concern related to Region IX aquifers and this Memorandum of Understanding.

- F. The Memorandum of Understanding is subject to revision upon agreement of both parties.

U.S. Department of Housing
and Urban Development



Regional Administrator-Regional
Housing Commissioner

Date: 1/8/90

U.S. Environmental
Protection Agency



Regional Administrator

Date: 4.30.90



Source Water Protection

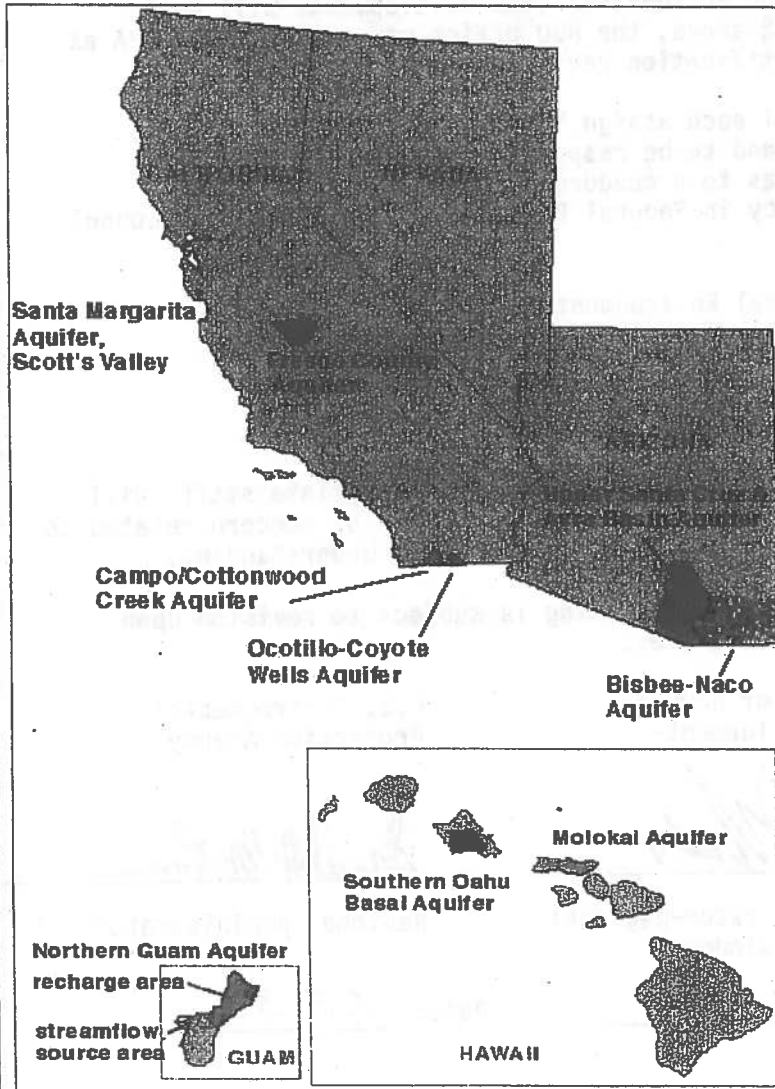
[Recent Additions](#) | [Contact Us](#) | [Print Version](#) Search:

[EPA Home](#) > [Water](#) > [Ground Water & Drinking Water](#) > [Source Water Protection](#) [Source Water Protection](#) > [Designated Sole Source Aquifers in EPA Region IX](#)

- Source Water Home
- Featured Items
- Quick Find
- Basics
- Assessment
- Protection Efforts
- Contacts
- Web Guide
- Groundwater
- Contamination Prevention Strategy
- OGWDW Home

Designated Sole Source Aquifers in EPA Region IX

Arizona, California, Hawaii, Nevada, Guam, and American Samoa



Hillary Hecht
 EPA Region 9
 Ground Water Office,
 WTR-9
 75 Hawthorne Street
 San Francisco, CA 94105
 phone: (415) 972-3530
 e-mail:
 hecht.hillary@epa.gov

The 9 designated Sole source aquifers in Region IX are listed below. Contact the coordinator above for more information.

DESIGNATED SOLE SOURCE AQUIFERS IN REGION IX:

State	Sole Source Aquifer Name	Federal Reg. Cit.	Publ. Date	GIS map
AZ	Upper Santa Cruz & Avra Basin Aquifer	49 FR 2948	01/24/84	no
AZ	Bisbee-Naco Aquifer	53 FR 38337	09/30/88	no
CA	Fresno County Aquifer	44 FR 52751	09/10/79	no
CA	Santa Margarita Aquifer, Scotts Valley	50 FR 2023	01/14/85	no
CA	Campo/Cottonwood Creek	58 FR 31024	05/28/93	no
CA	Ocotillo-Coyote Wells Aquifer	61 FR 47752	09/10/96	no
GU	Northern Guam Aquifer System	43 FR 17867	04/26/78	no
HI	Southern Oahu Basal Aquifer	52 FR 45496	11/30/87	no
HI	Molokai Aquifer	59 FR 23063	04/20/93	no

Return to: [Sole Source Aquifer program home page](#)

[Safewater Home](#) | [About Our Office](#) | [Publications](#) | [Calendar](#) | [Links](#) | [Office of Water](#) | [En Español](#)

[EPA Home](#) | [Privacy and Security Notice](#) | [Contact Us](#)

Last updated on Tuesday, November 26th, 2002
 URL: <http://www.epa.gov/safewater/swp/ssa/reg9.html>

