



Memo

To: CDBG-I Grantees

From: Colleen Simmons, Program Manager, CDBG-Infrastructure Unit, Division of Water Infrastructure, North Carolina Department of Environmental Quality

Date: August 8, 2024

Subject: **Considering Radon in ERR, HUD Notice CPD-23-103 (Effective April 11, 2024)**
Relevant for Environmental Information Document / Environmental Review Records (EID/ERR) and Amendments to Environmental Review Records

In January 2024, HUD issued Notice CPD-23-103, HUD's departmentwide radon policy notice addressing the risk of residential radon exposure across the entire Department for the first time ever. The policy falls under HUD's contamination regulations at 24 CFR 50.3(i) and 58.5(i)(2), part of the environmental (NEPA) review of proposed HUD-supported projects.

The policy requires consideration of radon gas in buildings as part of the proposed HUD projects subject to HUD contamination regulations.

Key Policy Details:

- Projects subject to the radon policy may be excluded from radon testing if a review of appropriate scientific data review shows that the average documented radon levels, in the project site area are below 4 pCi/L.
 - Appropriate scientific data is outlined in our EID/ERR guidance document.
 - To be considered the 'average documented', the data needs to include 10 tests over the previous 10-year period.
- Radon testing is not required, but mitigation is required if the method used to consider radon shows levels at 4 pCi/L or greater. However, HUD recommends testing.
 - The EID/ERR must contain a mitigation plan. The plan must: identify the radon level; consider the risk to occupant's health; describe how the radon reduction system will be installed; whenever possible, establish an ongoing maintenance plan to ensure the system is operating as intended; establish a reasonable timeframe for implementation; and require post-installation testing.



What is Not Subject to the Policy Notice:

- HUD projects not subject to HUD’s contamination regulations:
 - Projects not subject to NEPA review
 - Those at the “Categorically Excluded Not Subject To” (CENST) level of review
- Buildings with no enclosed areas having ground contact; buildings that are not residential and will not be occupied for more than 4 hours per day; buildings with existing radon mitigation systems where radon levels are below 4 pCi/L dated within 2 years of applying for funding

Compliance with Policy:

Starting on April 11, 2024, responsible entities (grantees) must consider radon as part of their environmental review (ER) that is not yet certified, regardless of where they are in the ER process.

So, what does that mean, due to the lateness of this notice:

1. Projects that have obtained a Release of Environmental Condition and Funds prior to August 1, 2024, will not need to comply with the new policy.
2. Projects that have published an NOI/RROF prior to August 1, 2024, will not need to comply with the new policy.

EID/ERR Must Document Compliance

- Questions about Radon have been added to the EID/ERR Table 16.1 Site Safety, under Contamination, Toxic Substances, and Radioactive Materials.
- Radon may also be a consideration in the soils and air quality sections of your record.
- If radon consideration is required, documentation of appropriate scientific data used must be present in the ERR/EID.

Resources:

- Division website.
 - The CDBG-I Environmental Review page will have this information posted shortly and will continue to be updated as new information is available.
- CDBG-I EID-Guidance Document – updated 8/2024 (attached)
- CDBG-I EID- Appendix D – updated 8/2024 (attached)
- HUD Radon Policy: Does the Notice Apply to my HUD project? – Flow Chart (attached)
- [HUD Notice CPD-23-103](#)
- [HUD Webinars: Radon and HUD-Assisted Projects Webinar Series](#)

Contact: If you have any questions, please contact Emily Bacon, Compliance Specialist, at 919-707-9242 or Emily.bacon@deq.nc.gov.