



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of June 13, 2009**

DATE: May 22, 2009

SUBJECT: Designate the County Manager or his designee as Environmental Officer under 24 CFR Subtitle A, §58.13.

C. M. RECOMMENDATIONS:

1. Designate the County Manager or his designee as Environmental Officer for purposes of compliance with U.S. Department of Housing and Urban Development (HUD) regulations.
2. Designate the County Manager or his designee as the Certifying Officer or "responsible Federal official" to ensure compliance with the national Environmental Policy Act (NEPA) and other applicable federal laws.

ISSUE: Designation by the governing body of an Environmental Officer and a Certifying Officer responsible for conducting environmental reviews.

SUMMARY: 24 CFR Subtitle A, §58.13 requires that the governing body of a HUD funding recipient designate an Environmental Officer who is responsible for conducting the environmental review which includes such tasks as: writing the project narrative, obtaining maps of the project area, soliciting comments from appropriate local, state and federal agencies, and facilitating responses to comments received on the environmental findings.

In addition, 24 CFR Subtitle A, §58.13 requires that the governing body of a HUD funding recipient designate a Certifying Officer to attest to the Environmental Officer's compliance with NEPA and other federal regulations. The designated officer must be the chief elected official, the chief executive official or other official designated by formal resolution of the governing body who has the authority to assume legal responsibility for certifying that all environmental requirements have been followed.

BACKGROUND: As a Community Development Block Grant (CDBG) entitlement community and a HOME participating jurisdiction, the County is required to perform federal environmental reviews under the National Environmental Policy Act. Federal law requires that proper environmental reviews are conducted on qualifying programs and that such reviews are certified to comply with NEPA and other federal law. The regulations governing these reviews

County Manager: _____

County Attorney: _____

Staff: David Bennett, Housing Division, DCPHD

and certifications require Board action to formally designate the Environmental Officer conducting the environmental reviews and the Certifying Officer verifying compliance.

Currently the environmental reviews are performed by the Housing Division's Environmental Compliance Officer. This practice is expected to be continued and is the most expeditious way to ensure compliance. Most of the projects which receive these federal funds require the abbreviated ("Exempt" and "Categorically Excluded Reverting to Exempt") review based on the scope of work. Staff completes approximately 100 environmental reviews each year.

DISCUSSION: Formal designation by the County Board of an official to conduct the environmental reviews and an official to certify that the reviews are compliant with federal law is required by the regulations governing HUD funding and requires Board action. Due to the large number of reviews conducted and certifications thereof, it is recommended that the County Manager be permitted to designate a responsible official to perform these functions, so long as that designee holds the necessary authority under the regulations. Delegation of the responsibility for certifying the environmental reviews is permitted according to instructions promulgated by HUD (OMB Form 7015.15): "The Certifying Officer signs his/her name, title, and the date. The Certifying Officer is usually the chief elected official for the responsible entity/jurisdiction in which the project is located, or his/her designee". In order to ensure County compliance with federal requirements and to expedite the implementation of projects, it is recommended that the County Manager be authorized to designate knowledgeable staff both to conduct the environmental reviews and to certify those results.

Citizen Review: No review is required as this is a revision to an internal County process.

FISCAL IMPACT: None. There is no impact on net tax support.