



**Groveland Housing Authority
10 River Pines Road
Groveland, Massachusetts 01834**

978-374-0370 Phone 978-374-7621 Fax

October 2, 2018

William G. O'Neil, Chairman
Groveland Board of Selectmen
Town Hall
183 Main Street
Groveland, MA 01834

Re: River Pines Environmental Review

Dear Mr. O'Neil:

The housing authority recently completed a gutter replacement project at River Pines. As part of the HUD funding process, an environmental review is required. One part of that, the environmental assessment form, was signed off by Michael Wood when he was chair. Another part is a public notice which invites public comment prior to commencing construction. This piece was not done.

As a corrective action, HUD is requiring the housing authority staff and board to complete training modules online. They are also asking the Responsible Entity (RE) at the town government level, to complete two training modules. The RE is the chief elected official.

HUD's Web-Based Instructional System for Environmental Review (WISER) has two training modules which HUD is asking you to complete. These are Getting Started; Part58 and Explosive and Flammable Materials.

I am sorry that through an omission by me that you are being asked to go through this training. However, it is somewhat brief and it will help us continue to preserve these affordable dwelling units for our seniors and disabled residents.

I have attached some instructions for WISER and the letter from HUD. I appreciate your help with this problem. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'JAH' with a stylized flourish at the end.

Joseph A. Hart

Managing Director

joe@haverhillhousing.com

encl.



New England

U.S. Department of Housing and Urban Development

Office of Public Housing
Boston Hub
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street
Boston, Massachusetts 02222-1092

Mr. Joseph Hart
Executive Director
Groveland Housing Authority
10 River Pines Road
Groveland, MA 01834

Dear Mr. Hart:

JUN 28 2018

SUBJECT: Violation of 24 CFR 58

After reviewing the monthly Corrective Action Plan (CAP) submission made by your office on June 1st, 2018 and subsequent communication with you, it has been determined that the Groveland Housing Authority (GHA) has violated the National Environmental Protection Act as codified by 24 CFR 58 by taking the choice limiting action of both contracting and construction of exterior gutters and downspout work with Arsenalt Construction.

Although the Environmental Review (ER) requirements for operation of HUD Public Housing programs have been in place for many years, your office was informed of the requirement for an ER to be completed prior committing HUD funds as part of the 2017 Capital Fund Processing instructions your office was sent on June 30th, 2017. Additionally, you received direct and individual instructions to complete the ER prior to commitment of HUD funds from this office as follows:

- August 31st, 2017: Approval letter for 2017 CFP Annual Contributions Contract (ACC) that reference ER requirements.
- December 20th, 2017: Email from Michael Coughlin (attached)
- December 27th, 2017: Email from Ryan Cusick (attached)
- February 15th, 2018: Email from Ryan Cusick (attached)

Despite these direct instructions, your office issued and executed the attached contract with Arsenalt Construction on April 2nd, 2018 without having completed the ER as required by 24 CFR 58.

The GHA did send an ER record to this office on May 18th, 2018 via email and received a response within 30 minutes from this office that your ER was incomplete as presented because the Responsible Entity (RE, The Town of Groveland) had made a determination of "Finding of No Significant Impact" (FONSI) which triggers a public notice process. There was no evidence presented that the public notice process was completed. When notified of this requirement you failed to inform this office that work had already begun, and as of the date of this letter no evidence has been provided to this office to show completion of this requirement.

The commitment of HUD funds without the completion of the environmental review process is considered a statutory violation of the United States Housing Act of 1937, as it is explained in PIH Notice 2016-22, section 11:

A commitment of HUD funds for a choice limiting action prior to submission of an RROF and certification is a statutory violation of Section 26 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437x); waivers cannot be provided for statutory violations, only regulatory violations

The range of remedies for noncompliance in a case such as this range from: Mandatory training of PHA staff to suspension or recapture of HUD awarded funds, or even suspension or debarment of PHA or staff. Given that this is a first-time offense for the Groveland Housing Authority and that no environmental harm is likely to have occurred (see below for details), the Boston Field Office is issuing the following corrective actions which must be completed within 90 days of this letter:


1. All GHA staff involved in the contracting of Capital Fund work shall complete the list of modules from HUD's Web-Based Instructional System for Environmental Review (WISER): Getting Started: Part 58, Getting Started: Tools and Resources, Environmental Assessment Factors, Site Contamination, Water Elements, Historic Preservation, Explosive and Flammable Materials, Noise Abatement and Control, Environmental Justice, Air Quality, Endangered Species, Airport Hazards, Farmlands, Wild and Scenic Rivers
2. All GHA Board of Commissioners members shall complete HUD's Web-Based Instructional System for Environmental Review (WISER) module: Getting Started: Part 58
3. The RE for the Town of Groveland shall complete HUD's Web-Based Instructional System for Environmental Review (WISER) module: Getting Started: Part 58 and Explosive and Flammable Materials
4. Upon completion of the above training, the GHA and the RE shall reconduct the environmental review for this work item and submit the results to this office.
5. The GHA shall submit all modernization contracts to this office, along with the completed ER prior to execution until further notice.

This office is requiring the GHA and RE to reconduct the ER for this work item after completing this training because a review by the HUD PIH Program Environmental Clearance Officer has determined that the RE's determination of FONSI was incorrect due to a misunderstanding of the applicability of the Explosives and Flammables portions of the Part 58 review. It is due to this incorrect determination as well as the known scope of work that leads this office to believe no environmental harm was done and therefore chose the less severe remedy choices. However, even if the determination of the RE at the time had been "exempt" or

"converts to exempt," the GHA still would have committed a statutory violation because the choice limiting action occurred at contracting, not when the work began.

If there are any questions regarding this matter, please contact Ryan Cusick at (617) 994-8421 and Ryan.c.cusick@hud.gov.

Very sincerely yours,



Marilyn B. O'Sullivan
Director

Enc.

HUD Environmental Review Training

Go to: www.hudexchange.info/trainings/

Select Web Based Instructional System for Environmental Review (WISER)

Select "Getting Started: Part 58".

If you have a HUD Exchange user name and password, you will be prompted to enter it. If you do not, you will need to create a user name and password. Go to "Create Account".

The password must be between 8 and 15 characters. You will need upper case, lower case, numeric and a symbol character (like \$, %, #, +, *, ?, etc.)