

HOUSING TRUST FUND CORPORATION
Environmental Compliance Handbook

NYS Office of Resilient Homes
“Blue Buffers” Voluntary Property Buyout Program

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I. INTRODUCTION

Awards made under the New York State Office of Resilient Homes and Communities (RHC) “Blue Buffers” Voluntary Property Buyout Program (hereby known as “the Program”) are subject to requirements of the State Environmental Quality Review Act (SEQR) at 6 NYCRR Part 617 as well as other state environmental laws and guidance. Compliance applies to all participants in the acquisition and demolition process including public or private nonprofit or for-profit entities, or any of participating contractors.

The primary objective of the environmental review process is to identify specific environmental factors that may be encountered at individual properties, and to develop procedures to ensure compliance with regulations pertaining to these factors.

II. ENVIRONMENTAL COMPLIANCE PROCESS

STEP 1: Conducting Programmatic Environmental Clearance

As of the issuance of this Environmental Compliance Handbook to Subrecipient (December 2025), the Program has already obtained programmatic environmental clearance as an Unlisted action pursuant to SEQRA regulations at 6 NYCRR 617. This determination included authorization from the Housing Trust Fund Corporation (HTFC) Board of Directors.

Subrecipient shall certify the undertaking of the programmatic review by ensuring completion of the site-specific review for each site prior to the start of work.

For all properties acquired through the Program, the environmental review process will evaluate site-specific Environmental Compliance Checklist(s) as described in Step 3, below.

STEP 2: Determining Type I Actions

Before beginning environmental reviews on any projects within a selected community, RHC staff will advise the Subrecipient on whether Type I Actions will be triggered. RHC staff will make this determination after executing a Memorandum of Understanding with a local unit of government, and after estimating how many potential applications may come from each community.

If a Type I action is triggered, the Subrecipient must complete Part 1 of the [Full Environmental Assessment Form \(FEAF\)](#). This information provides the basis for determining potential impacts and initiating coordinated review under SEQR.

A lead agency must be identified prior to initiating the SEQR process. If discretionary local approvals are required, the municipality may serve as lead agency. If no local approvals are involved and no other funding agencies are participating, NYS Homes and Community Renewal (HCR) will serve as the lead agency.

The Subrecipient must document compliance with any applicable laws, regulations, and guidance identified on the project’s environmental review checklist, regardless of which entity is serving as lead agency.

The designated lead agency must circulate a coordination notice to all involved agencies, if there are any other involved agencies per 6 NYCRR 617.2(t) and 617.6(b)(3).

This notice is subject to a 30-day response period, during which agencies may comment or request lead-agency status.

If HCR serves as the lead agency, HCR will evaluate initial materials and issue a follow-up letter identifying any additional information required for the review. If potential adverse impacts can be ruled out or adequately mitigated, HCR will prepare a draft Negative Declaration. This

determination is then presented to the HTFC Board for approval. If significant adverse impacts may occur and cannot be readily mitigated, HCR must issue a Positive Declaration. This triggers the Scoping process and preparation of an Environmental Impact Statement (EIS).

STEP 3: Completing Environmental Compliance Site-Specific Checklists

The Environmental Compliance Site Specific Checklist must be completed by Subrecipient for each property or group of properties that will be acquired through the Program. The Environmental Compliance Checklist may be found at the end of this Environmental Compliance Handbook. The Environmental Compliance Checklist documents each procedure that the Subrecipient will implement to comply with environmental regulations at all properties. Each section of the Environmental Compliance Handbook outlines specific required compliance procedures.

If any items in the third box on page 1 of the site-specific checklist are checked yes, HTFC's Environmental Unit will determine if the proposed actions are Type I actions. The items include 2.5 acres or more of land disturbance; 25,000 sf of non-residential space; or 2 or more residential units in a municipality with no zoning or subdivision or 50 residential units.

STEP 4: Submitting Site-Specific Checklists to RHC staff or HTFCs Environmental Assessment Unit (EU)

Subrecipient shall submit completed Environmental Compliance Site Specific Checklist to the RHC staff at bluebuffers@hcr.ny.gov, unless any items in the third box on page 1 of the site-specific checklist are checked 'yes' or instructed by the instructions in any of the "Compliance Areas" on pages 2-4 of the checklist.

If any items in the third box on page 1 of the site-specific checklist are checked 'yes' or if instructed to "contact EU" in any of the Compliance Areas on pages 2-4 of the checklist, contact EU at environmental.reviews@hcr.ny.gov. EU will provide an email to the subrecipient that indicates when the compliance area is completed for submission with the checklist to RHC staff.

After the compliance indicated areas are resolved, send the completed Environmental Compliance Checklist(s) and required supporting documentation as a single PDF document by email to RHC staff at bluebuffers@hcr.ny.gov.

Subrecipient may contact the Blue Buffers Program Director for instructions to submit large format documents that cannot be emailed.

STEP 5: Issuing HTFC Determination Letter(s) to Subrecipient

RHC staff will review the forms and supporting documentation submitted. Revisions or additional documentation may be requested if the materials are determined to be incomplete.

For projects that do not require further review by the EU, no further documentation is needed, and RHC staff will authorize the property closing process commence.

For projects that require further review by EU, the EU will issue a determination email with a copy to the Blue Buffer Program Director.

STEP 6: Conducting Program Activities in Accordance with the Site-Specific Checklists

The purpose of the environmental review process is to:

1. Identify specific measures to comply with environmental regulations or mitigate adverse impacts at identified project sites, or;
2. Provide a roadmap for subsequent environmental review of individual project sites at the time they are selected. site specific checklist.

Individual site-specific checklists must be submitted to the EU **prior** to scheduling property closings when one or more of the following circumstances occur:

- work on a building determined by SHPO to have historic or cultural significance;
- work in a Coastal Zone;
- if indicated by the Wetlands, Endangered Species Sections, or Site Contamination sections; or
- if the municipality classifies the project as a SEQR Type I Action
- projects in, or adjacent to, Agricultural Districts

Projects in the categories described above or activities in the third box on the first page of the Site-Specific Certification may require either the municipality to conduct a SEQR coordinated review or a review and determination of significance by the HTFC Board.

III. COMPLETING THE SITE SPECIFIC CERTIFICATION

The Environmental Site-Specific Certification must be completed by Subrecipient and submitted for each individual property(ies). For each regulation check the appropriate answer. For each environmental issue, supporting documentation must be provided unless otherwise noted. Supporting documentation includes, but is not limited to, applicable maps, state agency correspondence, and professional certifications.

RHC and the EU **must stress** that, before taking any closings are scheduled, the Environmental Site-Specific Checklist must be completed by Subrecipient and submitted to the EU for review.

Historic Resources

State Historic Preservation Office (SHPO) Review Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law of 1980 requires a publicly funded project to be reviewed for its potential effect on historic properties.

Site-Specific Certification Language:

Check the appropriate box, either:

Project has been reviewed by the State Historic Preservation Office (SHPO). A “No Impact” or “No Adverse Impact” letter is attached (attach letter). The project will comply with all project descriptions and specifications submitted to SHPO and all conditions placed on the project by SHPO.

Please attach the “No Impact” or “No Adverse Impact” letter as proof.

OR

If a “No Impact” or “No Adverse Impact” letter cannot be obtained, contact EU.

The SHPO Cultural Resource Information System (CRIS) can be accessed here: <https://cris.parks.ny.gov>

The HTFC SHPO Electronic Project Submission Guide can be found here: <https://hcr.ny.gov/shpo-electronic-project-submission-guide>

Coastal Zone Management

19 NYCRR Part 600, *Coastal Zone Management* establishes requirements for review of a state-funded project in the Coastal Zone if its SEQR classification is Type 1 or Unlisted. In New York State, the Coastal Zone includes land areas adjacent to Lakes Erie and Ontario, the St. Lawrence, East, Harlem and Niagara Rivers, the Hudson River south of the Federal Dam in Troy, the Kill van Kull and Arthur Kill, Long Island Sound, the Atlantic Ocean, and the connecting water bodies, bays, harbors, shallows and marshes.

Source documentation for these determinations must be provided and can include a copy of the applicable Coastal Zone boundary map or correspondence with the local municipality.

Site-Specific Certification Language:

- If the property is not located in the coastal zone, compliance language might be:

“The property is not located within a NYS coastal zone.”

- If the identified property is located in the coastal zone, compliance language might be:

“The project is located within a NYS coastal zone”

Accessing the Coastal Zone Boundary Map

1. Go to: <https://dos.ny.gov/coastal-atlas>
2. Enter an address of the target area or project site and hit enter
3. Make sure the Landward Coastal Area Boundary layer is “checked” in the Legend
4. Zoom in as necessary to show the target area or project site in relation to the nearest Coastal Boundary
5. Click Tool icon on the top right corner of the map
6. Select *Print Map*
7. If necessary, enable Pop-Ups on the browser by selecting ‘Always allow pop-ups from <http://opdqig.dos.ny.gov> and click *Done*
8. Click *Export*
9. Save

NOTE: In some cases, a Program could be within a Local Waterfront Revitalization Program (LWRP) area. Subrecipient must contact the municipal or county planning departments to determine if the program is within a LWRP boundary.

Municipal Approval

Subrecipient will need to obtain all required municipal approvals needed to obtain permits for site

demolition.

Wetlands

Funded projects that involve ground disturbance may be subject to NYS Department of Environmental Conservation (DEC) and/or U.S. Army Corps of Engineering (ACOE) wetland regulations and may be subject to permitting requirements.

For projects with ground-disturbing work even on previously disturbed land the Subrecipient should determine the potential for impact to Federal or State wetlands.

For Federal wetlands, US Fish and Wildlife Maps of jurisdictional wetlands should be consulted to determine the location of Federal wetlands: <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper> If a federal wetland will be disturbed a consultant should be retained to pursue the appropriate federal permit coverage for the project.

For State wetlands, state regulated wetland locations can be found by submitting a project to NYSDEC for a Parcel Jurisdictional Determination (JD) here: <https://survey123.arcgis.com/share/be5c071ff72d4876986b18488721e55f>

Should a Parcel JD indicate the presence of onsite or nearby State regulated wetlands, a NYSDEC Project JD may be applied for to confirm whether ground disturbing work will affect onsite or nearby state wetlands or adjacent areas and whether state permit coverage is required.. The Subrecipient can request that NYSDEC conduct the Project JD delineation or the Subrecipient can retain a consultant to produce a delineation and obtain NYSDEC signoff.

If a State wetland or adjacent area permit is necessary, the Regional NYSDEC Office may be contacted to apply. Find more information here: <https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination>

Within the boundaries of the Adirondack Park, state wetland regulations are administered by the Adirondack Park Agency (APA). More information found here: <https://apa.ny.gov/contact.html>

Site-Specific Certification Language:

If the parcel does not contain wetland habitat based on the USFWS wetlands mapper and a negative parcel jurisdictional determination from DEC, check:

*A negative parcel jurisdiction was received from NYS DEC **AND** There are no mapped federal wetlands on or near the site.*

OR

- If NOT, check:

Wetlands or adjacent areas will be impacted by the project. All wetlands permits will be obtained prior to the start of project work

Stormwater Drainage/ Erosion and Sediment Control

Each site will be evaluated individually or cumulatively, based on proximity, as related to stormwater drainage, erosion and sediment control. The site(s) will be considered compliant if total land area to be disturbed is under 1-acre. No further action will be required if it is determined by the project engineer, the municipality, or NYSDEC that an individual site, or cumulative sites, if adjacent to one another do not require compliance. If site disturbance for a single, or multiple if adjacent properties, is greater than 1-acre a Stormwater Pollution Prevention Plan (SWPPP) will be prepared and submitted to the municipality and/or NYSDEC in compliance with General Permit 0-25-001 prior to the start of project work.

Endangered Species

Projects that involve ground disturbance or tree cutting may be subject to endangered and threatened species regulations. Project sites must be checked on the NYS Department of Environmental Conservation (NYSDEC) Environmental Assessment Form (EAF) Mapper *and* the US Fish and Wildlife Service's (FWS) Information for Planning and Consultation Tool to identify listed species or habitats. An endangered species investigation may be required if it is determined that state or federal species could be impacted by project activities.

1. If the project involves ground disturbance and/or tree cutting use the NYSDEC: Environmental Assessment Form (EAF) Mapper: <https://gisservices.dec.ny.gov/eafmapper/> Provide the resulting documentation, demonstrating if the project is located in an area of state endangered, threatened, or rare plants or animals, or significant natural communities; AND
2. If ground disturbance and/or tree cutting is involved, follow the directions provided on the US Fish and Wildlife Service's (FWS) website and use the Information for Planning and Consultation Tool (IPaC): <http://ecos.fws.gov/ipac/> Provide the resulting documentation, demonstrating if any federally-listed rare, threatened, or endangered species or habitats exist on the site.

Site-Specific Certification Language:

- *“The Environmental Assessment Form (EAF) Mapper did not identify any state listed plant or animal species or significant natural communities as documented in the attached. The US Fish and Wildlife Service Information for Planning and Consultation tool did not identify federally-listed species as documented in the attached.”*

If the project ground disturbance (and/or tree cutting when bats are a listed species) and is within an area of listed plant or animal species, copies of Environmental Assessment Form (EAF) Mapper documentation and the documentation created pursuant to the USFWS IPaC must be provided to the EU for further consultation. A more comprehensive review may be needed for larger projects involving ground disturbance (and/or tree cutting/removal when bats are a listed species).

Instructions for using the Environmental Assessment Form Mapper

- Go to the Environmental Assessment Form Mapper webpage - <https://gisservices.dec.ny.gov/eafmapper/>
- Step 1: Enter the address and click “Locate”
- Step 2: Zoom in until you see the tax parcel boundaries. Select “Select Tax Parcel” and click on the parcel of the project site.
- Step 3: Select “**Full Form, Part 1**”. A pop-up window with the PDF will be generated.
- Step 4: Refer to the EAF Mapper Summary Report (**Questions E.2.n, o, and p**) to identify if any threatened, endangered or rare species exist on the site.

Instructions for using the Information for Planning and Consultation Tool (IPaC)

1. Go to the US Fish and Wildlife Service’s (FWS) website and use the Information for Planning and Consultation Tool (IPaC): <https://ipac.ecosphere.fws.gov/>;
2. Select Get Started if an account has not already been set-up;
3. Enter project location and select address;
4. Define the project area;
5. Click continue;
6. Click Define Project;
7. Enter log in information for an established account or create an account;
8. Once logged in, provide a project name and description;
9. Click on Request Species List;
10. Click Yes, Request a Species List;
11. Complete all fields and questions;
12. Submit Official Species List Request;
13. Once processing is complete select Species List: New York Ecological Services Field Office, this is the required Official Species List that should be submitted with the Environmental Checklist

Site Contamination (Hazardous Materials)

Subrecipients must retain Qualified Environmental Professional(s) to undertake ASTM E 1527-21 Phase I environmental assessments on the Properties. Subrecipient shall contact EU in the event a Phase I environmental assessment indicates a Property is not free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances which could affect the health and safety of occupants or users or conflict with the intended utilization of the property. Consideration must be given to the subject property and adjacent sites in the general proximity of such areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes. Examples of areas that contain, or may have contained, hazardous wastes include, but are not limited to: dry cleaning facilities, gas stations, producers of plastics, producers of medicines, waste water treatment facilities, and chemical manufacturing plants.

For ALL properties: An ASTM E 1527-21 Phase I Environmental Site Assessment must be prepared by a Qualified Environmental Professional.

Projects involving demolition: A demolition debris and soil management plan will be prepared and followed and asbestos containing materials (ACM) that will be disturbed as part of the program activities will be handled and disposed of according to NYS Department of Labor requirements at 12 NYCRR Part 56 and local regulations.



Environmental Compliance Site-Specific Certification

Blue Buffers

Project ID:	Date:
Project Municipality:	Project County:
Project Address:	
Entire Project Description (include all funding sources):	
<p>The project includes the following (choose “yes” or “no”). If one or more are checked “YES” contact HTFC’s Environmental Assessment Unit (EU) at environmental.reviews@hcr.ny.gov to determine if this Certification can be utilized.</p> <p>No: <input type="checkbox"/> Yes: <input type="checkbox"/> This project either by itself or combined with other adjacent Blue Buffers projects exceeds 2.5 acres of physical alterations.</p> <p>No: <input type="checkbox"/> Yes: <input type="checkbox"/> This project exceeds 25,000 square feet of non-residential space</p> <p>This project will occur in the same municipality as other Blue Buffers projects and, combined with those projects, exceeds:</p> <p>No: <input type="checkbox"/> Yes: <input type="checkbox"/> 2 residential units in a municipality with no zoning or subdivision</p> <p>No: <input type="checkbox"/> Yes: <input type="checkbox"/> 50 residential units</p>	

Compliance Area	Attachments Included (Y/N)	Compliance Documentation
<p><u>Historic/Cultural Resources:</u> Section 14.09 of the Parks, Recreation and Historic Preservation Law.</p>		<p><input type="checkbox"/> Project has been reviewed by the State Historic Preservation Office (SHPO). A “No Impact” or “No Adverse Impact” letter is attached (attach letter). The project will comply with all project descriptions and specifications submitted to SHPO and all conditions placed on the project by SHPO;</p> <p>OR</p> <p><input type="checkbox"/> Other (contact EU for further guidance).</p>
<p><u>Coastal Zones:</u> 19 NYCRR Part 600, Coastal Zone Management</p>		<p><input type="checkbox"/> Project is not located in a NYS Coastal Zone (attach map);</p> <p>OR</p> <p><input type="checkbox"/> Project is located in a NYS Coastal Zone (contact EU for further guidance).</p>
<p><u>Municipal Approval:</u></p>		<p>The project will apply for all necessary municipal approvals.</p>
<p><u>Wetlands:</u></p>		<p><input type="checkbox"/> A negative parcel jurisdiction was received from NYS DEC ; AND</p> <p>There are no mapped federal wetlands on or near the site.</p> <p>(attach documentation)</p> <p>OR</p> <p><input type="checkbox"/> Wetlands or adjacent areas will be impacted by the project. All wetlands permits will be obtained prior to the start of project work. (attach documentation).</p>
<p><u>Stormwater Drainage/Erosion and Sediment Control:</u> <u>Stormwater Pollution Prevention Plan (SWPPP)/ Compliance with SPDES General Permit GP-0-25-001</u></p>		<p><input type="checkbox"/> This project site disturbance (along with any other adjacent Blue Buffer sites) is less than one acre.</p> <p>OR</p> <p><input type="checkbox"/> It has been determined by a project engineer, the municipality, or NYSDEC that the project (along with any adjacent Blue Buffer sites) does not require compliance.</p> <p>OR</p>

Compliance Area	Attachments Included (Y/N)	Compliance Documentation
		<input type="checkbox"/> Site disturbance (either alone or along with adjacent Blue Buffer sites) is greater than one acre and the project(s) will prepare a SWPPP and submit to the municipality and/or NYSDEC all documents required to comply with GP-0-25-001 prior to the start of project work.
<u>Endangered Species</u>		<input type="checkbox"/> The Environmental Assessment Form (EAF) Mapper and US Fish and Wildlife Service Information for Planning and Consultation (IPaC) tool identified only endangered bat species. As the project does not involve tree clearing and cutting, no further action is needed. <input type="checkbox"/> The Environmental Assessment Form (EAF) Mapper did <u>not</u> identify any state endangered, threatened, or rare plants or animals or significant natural communities. The US Fish and Wildlife Service Information for Planning and Consultation (IPac) tool did not identify federally-listed rare, threatened, or endangered species or habitats on the site as documented in the attached (attach EAF Mapper Report and USFWS IPaC documentation); OR <input type="checkbox"/> The project involves ground disturbance <i>or tree cutting</i> . The Environmental Assessment Form (EAF) Mapper identified state endangered, threatened, or rare plants or animals or significant natural communities <i>and/or</i> the US Fish and Wildlife Service Information for Planning and Consultation (IPaC) tool identified federally-listed rare, threatened, or endangered species or habitats on the site. Contact EU for further guidance.

Compliance Area	Attachments Included (Y/N)	Compliance Documentation
<u>Site Contamination</u>		<input type="checkbox"/> <i>For ALL properties:</i> An ASTM E 1527-21 Phase I environmental assessment prepared by a Qualified Environmental Professional has not identified hazardous materials which could conflict with the intended utilization of the property. Contact EU for further guidance if this cannot be determined. AND <input type="checkbox"/> A demolition debris and soil management plan will be prepared and followed. AND <input type="checkbox"/> Asbestos Containing Materials (ACM) that will be disturbed as part of the program activities will be handled and disposed of according to NYS Department of Labor requirements at 12 NYCRR Part 56 and local regulations.

Signature

I am the authorized signatory for the NY Blue Buffers program for the entity named below. I have read this Environmental Site Certification and by signing this document agree with the statements made herein and agree that this project will comply with the rules and regulations outlined herein and that a copy of this Certification is subject to further review by the Housing Trust Fund Corporation (HTFC)'s Environmental Unit prior to the start of site work in these circumstances: work on a building determined by SHPO to have historic or cultural significance; work in a coastal zone; if the work constitutes a SEQR Type I Action.

Prepared by:

Title:

Date:

Signature:

NOTE: In any of these circumstances listed below, the form must be forwarded to and approved by HTFC's EU prior to the start of site work:

- work on a building determined by SHPO to have historic or cultural significance;
- work in a Coastal Zone;
- if indicated by the Wetlands, Endangered Species Sections, or Site Contamination sections; or
- if the municipality classifies the project as a SEQR Type I Action

Forward site-specific checklists and accompanying documentation to:

Environmental.Reviews@hcr.ny.gov

If Blue Buffers funding is leveraged with additional HCR funding, environmental reviews for all funding may be able to be combined. EU will make this determination. To avoid duplication, contact EU prior to completing this form.

“CERCLA” shall mean the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986), and as now or hereafter amended.

“Environmental Activity” (whether one or more), shall mean any one or more of the following: (1) any present or future storage, holding, existence, release, emission, discharge, generation, abatement, disposition, handling or transportation of any Hazardous Substance from, on, under or otherwise relating to an Assisted Property or any Migration Tract, or the use, operation or occupancy thereof, or any threat of any such activity, including but not limited to any failure of all “hazardous waste” (as defined in RCRA) generated or removed from an Assisted Property to be removed and disposed of at sites and transported by carriers which maintain valid permits under RCRA and any other applicable Environmental Requirements; (2) any failure of any entity or person, to comply with any of the Environmental Requirements relating to the Property or the ownership, use, operation or occupancy thereof, or any Migration Tract, including but not limited to any failure by any Person to properly obtain or file any notices, permits, licenses or similar authorizations, if any, required under any Environmental Requirements in connection with an Assisted Property or the ownership, use, operation or occupancy thereof; or (3) any investigation, inquiry, order or proceeding by any governmental authority, and/or any remedial obligations of any person or entity under any Environmental Requirements relating to an Assisted Property or any Migration Tract

“Environmental Requirements” shall mean, collectively: CERCLA; RCRA; the Hazardous Materials Transportation Act (49 U.S.C. Section 1802 et seq.); the Federal Water Pollution Prevention and Control Act (33 U.S.C. Section 1251 et seq.); the Safe Drinking Water Act (42 U.S.C. Section 300f et seq.); the Toxic Substances Control Act (15 U.S.C. Section 2601 et seq.); the Clean Air Act (42 U.S.C. Section 7401 et seq.); the Clean Water Act, (33 U.S.C. Section 1251 et seq.); all international treaties, compacts, conventions and agreements having the force of law in the United States of America and all federal, state or local statutes, ordinances, codes, rules, regulations, orders and decrees, regulating, relating to or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance or material as now or at any time hereafter in effect, each as now or hereafter amended; and any and all judgments, orders, decrees, permits, licenses, authorizations, concessions, grants, franchises, agreements or other governmental restrictions or requirements relating to the environment or to any Hazardous Material or to any Environmental Activity.

“Hazardous Material” shall mean: (a) any “hazardous substance” as such term is presently defined in CERCLA; (b) any additional substances or materials which are hereafter incorporated in or added to the definition of “hazardous substance” for the purposes of CERCLA; (c) any element, substance, compound or mixture, including disease-causing agents, now or hereafter designated as, or containing components designated as, hazardous, dangerous, toxic, harmful, and/or subject to regulation by any Environmental Requirements, including asbestos in any form and any substance containing asbestos, urea formaldehyde foam insulation, lead, transformers or other equipment which contains dielectric fluid or polychlorinated biphenyls, flammable explosives, radioactive materials, chemicals known to cause cancer or reproductive toxicity, pollutants, effluents, contaminants, emissions or related materials; (d) any waste, substance or material now or hereafter regulated by any Environmental Requirements; (e) any radioactive material, including any source, special nuclear or by-product material as defined at 42 U.S.C. Section 2014, as now or hereafter amended; (f) any lead-based paint; and (g) mold, fungus, microbacterial contamination or pathogenic organisms.

“Migration Tract” shall mean any property other than an Assisted Property, from which any Hazardous Substance may move or migrate onto, into or under an Assisted Property (including the groundwater thereunder), and any property other than an Assisted Property into, onto or under which any Hazardous Substance may move or migrate from an Assisted Property (including the groundwater thereunder).

“RCRA” shall mean the Resources Conservation and Recovery Act of 1976, as now or hereafter amended (*42 U.S.C. Section 6901 et seq.*) and any regulations promulgated thereunder.