

EXPLOSIVE AND FLAMMABLE OPERATIONS

(24 CFR Part 51C)

HUD regulations restrict how close assisted projects can be located to facilities that handle petroleum products or chemicals of an explosive or flammable nature. Specific guidelines have been established to determine an acceptable separation distance beyond which assisted projects may be located. The most frequent issue confronted in Alaska involves the siting of a project in proximity to a bulk fuel storage facility. To illustrate, HUD standards will not allow a structure to be located closer than 150 feet to a 10,000 gallon undiked bulk fuel storage tank or closer than 25 feet to a diked (e.g. 30 feet x 30 feet) 10,000 gallon tank. More restrictive standards have been established for projects that involve open area where people will be gathering outdoors, such as parks. If a proposed project is in proximity to a facility that handles petroleum products or chemicals such as bulk fuel storage, contact HUD for a copy of the handbook “Acceptable Separation Distance Guidebook”. As an alternative, please visit <http://www.hud.gov/offices/cpd/environment/asdcalculator.cfm> for an online calculator you can use to calculate acceptable separation distance.

Threshold for Review: Properties proposed for new construction, conversion of a non-residential land use to a residential land use including making an uninhabitable building habitable, rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units, or the acquisition of undeveloped land.

NOTE: The provision of individual fuel supply for one to four family housing units is not subject to the requirement of 24 CFR Part 51, Subpart C.

HUD Regulatory Reference: “24 CFR Part 51, Subpart C”

Level of Concurrence Required:

- 1) A determination by the Tribe that the proposed site/project is not located within the immediate vicinity of hazardous industrial operations handling fuels or chemicals of an explosive nature based on verifiable data and maps; or
- 2) A determination by the Tribe that the proposed site/project is located an **acceptable separation distance (ASD)** (in accordance with 24 CFR Part 51, Subpart C and the “Acceptable Separation Distance Guidebook”) from the of hazardous industrial operations handling fuels or chemicals of an explosive nature; or
- 3) The Tribe takes mitigation measures (per 24 CFR Part 51.205) with the construction of a barrier of adequate size and strength to protect the property from the explosive or flammable hazard.

Basic Steps to Obtain Concurrence:

1. Identify the location of potential hazardous industrial operations in the community in relation to the proposed site/project. Verify the proposed sites are not in the immediate vicinity of the hazardous operations and: **Prepare a determination that the proposed site is not located in the immediate vicinity of hazardous operations (including verifiable support data and maps) and include it in the ERR file.**
2. If the proposed site is located in the vicinity of a hazardous industrial operation the Tribe should; using the “Acceptable Separation Distance Guidebook” instructions, calculate the minimum “**Acceptable Separation Distance**” that the proposed site/project must be from the hazardous operations. Use the online tool located at <http://www.hud.gov/offices/cpd/environment/asdcalculator.cfm> to calculate the acceptable separation distance for your project. **Prepare a determination that the proposed site/project is at an “Acceptable Separation Distance” from the hazardous operation and include it with the “Acceptable Separation Distance” calculation documentation in the ERR file.**
3. If the proposed site/project is not located at an “**Acceptable Separation Distance**” from a hazardous operation the Tribe needs to review the “Guidebook” and 24 CFR Part 51.205 to determine the appropriate mitigation requirements needed to allow the proposed site/project to be assisted. **Prepare a determination that appropriate mitigation actions have been taken to protect the proposed site/property (including documentation verifying the appropriate mitigation actions are being taken) and include it in the ERR file.**

For CATEGORICAL EXCLUSION determinations: If mitigation action is required, the Tribe must complete and post a NOI/RROF and submit an RROF to the AONAP.

Additional information regarding the Acceptable Separation Distance Guidebook can be found at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/training/guidebooks/hazfacilities

The Office of Environmental and Energy (OEE) has developed an electronic-based assessment tool to calculate the Acceptable Separation Distance (ASD). This electronic version is an alternative calculation tool designed to expedite ASD calculation and increase accuracy. The manual calculation in the guidebook “Acceptable Separation Distance Guidebook” and the Regulation (24 CFR Part 51 Subpart C) remains viable. The ASD assessment tool is accessible through the following URL:

<http://www.hud.gov/offices/cpd/environment/asdcalculator.cfm>

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