



Federal Aviation Administration

MEMORANDUM

Date: January 6, 2026

To: Regional Airports Division Directors, AXX-600
Regional Airport Planning and Programming Branch Managers, AXX-610
Airports District Office Managers, XXX-ADO

From: William C. Garrison, Acting Director, Office of Airport Planning and
Programming, APP-1

Subject: Program Guidance Letter (PGL) 26-03: Clarification on Eligibility of Hazardous
Chemical Mitigation

Purpose

The purpose of this Program Guidance Letter (PGL) is to update Airport Improvement Program (AIP) eligibility for environmental remediation, including materials contaminated by per- and polyfluoroalkyl substances (PFAS). This PGL is in response to regulatory changes on hazardous materials and PFAS.

Background

On May 8, 2024, the Environmental Protection Agency (EPA) published a final rule pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund), effective July 8, 2024, that designated two PFAS (perfluorooctanoic acid [PFOA] and perfluorooctanesulfonic acid [PFOS]) as hazardous substances.

Firefighting agents historically utilized or released on airports may contain PFAS. Other activities that have occurred on or near airports (such as aircraft manufacturing) may have resulted in the release of PFAS into the airport environment. Therefore, airport projects may encounter PFAS contamination and require remediation.

Change

To standardize eligibility decisions for environmental remediation, FAA Order 5100.38D, Change 1, *Airport Improvement Program Handbook*, Table C-2, Row 15, will be modified to include the qualifier “stand-alone” at the beginning of the text, to read:

“(15) Environmental Remediation. Stand-alone environmental remediation and removal of fuel farms, underground fuel tanks, hazardous waste, or contaminated soil.

This is because sponsors are required by the grant assurances to maintain facilities to environmental standards. In addition, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, provides that the responsible party causing the contamination can be accountable for recovery of clean-up costs, regardless of the level of negligence.”

This change clarifies that projects whose sole purpose is to remediate contamination are not eligible. However, the discrete part of a project dedicated to mitigation of contamination needed for the approval and permitting of an otherwise AIP-eligible project may be eligible as an included cost. In this scenario, the mitigation work is part of a larger AIP-eligible project and is necessary to reduce or avoid significant environmental impacts.

This change is consistent with applicable law and FAA Orders.

- 49 U.S.C. § 47110(b)(1)(A) states a project cost is allowable “if the cost necessarily is incurred in carrying out the project in compliance with the grant agreement made for the project.”
- Table 1-4 of the AIP Handbook states “...all costs paid with AIP funds must be *necessary* to carry out the project.”
- Table S-1, Row j.(1) of the AIP Handbook states “[e]nvironmental mitigation projects... approved in an environmental determination for an AIP eligible project is an allowable cost (or phase) of the AIP eligible project.”

Additionally, a footnote will be added to the AIP Handbook, to read:

“Table S-1, Row j. establishes eligibility for mitigation required by an environmental determination. The discrete part of a project dedicated to mitigation of contamination needed for the approval and permitting of an otherwise AIP-eligible project and established as a mitigation requirement in an environmental determination, may be determined eligible as an included cost. In this scenario, the mitigation work is part of a larger AIP-eligible project and is necessary to reduce or avoid significant environmental impacts.”