

Form 2.1 Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5

Pursuant to 24 CFR 58.35(a)

Responsible Entity: New Jersey Department of Community Affairs, Charles Richman, Commissioner

Applicant Name Claudette (First) O'Malley (Last)

-or- (Business/Project Name)

Project Location 438 Highway 35 N UNIT #1102, (Street Address)

Brick Township (Municipality) Ocean (County) NJ (State)

36 (Block) 31 (Lot)

CONDITIONS FOR APPROVAL

Conditions for Approval [40 CFR 1505.2(c)]: (List all mitigation and project modification measures required by the Responsible Entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as required. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.)

General

- 1. Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.*
- 2. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.*

Air Quality

- 3. Use water or chemical dust suppressant in exposed areas to control dust.*
- 4. Cover the load compartments of trucks hauling dust-generating materials.*
- 5. Reduce vehicle speed on non-paved areas and keep paved areas clean.*
- 6. Retrofit older equipment with pollution controls.*
- 7. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.*
- 8. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.*
- 9. Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:*
 - a. Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);*
 - b. Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of*

0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);

c. Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and

d. Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).

10. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "3-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).

11. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (less than 15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).

12. Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.

Floodplain Management and Flood Insurance

13. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

Hazardous Materials

14. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:

- National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145
- National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150
- NJAC 7:26-2.12—Generator requirements for disposal of asbestos containing waste materials
- New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.

15. As the structure was constructed prior to 1980, an asbestos survey should be conducted prior to initiation of rehabilitation activities. In the event that an asbestos survey is not completed, all building materials should be presumed to be and managed as asbestos-containing materials.

16. Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).

17. As the structure was constructed prior to 1978, a lead-based paint survey should be conducted prior to initiation of rehabilitation activities. In the event that a lead-based paint survey is not completed, all painted surfaces within the building should be presumed to be lead-containing and managed in accordance with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD's lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.

18. All residential structures must be free of mold attributable to Superstorm Sandy.

FINDING

○ This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR

☒ This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain “Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR

☐ This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

FUNDING INFORMATION

Note: Certification signatures can be found at the end of the document.

Grant Number	HUD Program	Funding Amount
<i>B-13-DS-34-0001</i>	<i>Rehabilitation, Reconstruction, Elevation and Mitigation (RREM) Program</i>	<i>\$58,370.40</i>
		<i>\$0.00</i>
		<i>\$0.00</i>

Estimated Total HUD Funded Amount:

\$58,370.40

Estimated Total HUD Funded Amount Description

The RREM Program provides up to \$150,000 in grant funding assistance to eligible homeowners. For this application, the HUD funding amount is \$58,370.40 for the rehabilitation of a single residential unit within a multifamily structure (5 or more units).

Estimated Total Project Cost [24 CFR 58.32(d)]: (HUD and non-HUD funds)

\$58,370.40

Estimated Total Project Cost Description

The total project cost is \$58,370.40 based on the Allowable Activities Validation and Estimated Cost of Repair documents.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The purpose of this proposed project is the rehabilitation of a single residential unit (Unit 1102) within a multifamily

structure (5 or more units) located at 438 Highway 35 North, in Mantoloking (Brick Township), Ocean County, New Jersey (Block 36, Lot 31_C1102). The homeowner Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program provides up to \$150,000 in grant funding assistance to eligible homeowners. The proposed project is needed to repair damage to the residential unit that occurred as a result of Superstorm Sandy.

Description of the Proposed Project [24 CFR 50.12 & 58.32, 40 CFR 1508.25]: (Include all contemplated actions that are logically either geographically or functionally a composite part of the project, regardless of the source of funding. As appropriate, attach maps, site plans, renderings, photographs, budgets, and other descriptive information.)

The RREM Program provides up to \$150,000 in grant funding assistance to eligible homeowners. The RREM Program will provide funding to help homeowners repair their primary residence damaged by Superstorm Sandy.

The proposed action involves the rehabilitation of a single residential unit (Unit 1102) within a multifamily structure (5 or more units) located at 438 Route 35 North, Mantoloking (Brick Township), Ocean County, New Jersey (Block 36, Lot 31_C1102). The multifamily residential structure, built in 1969 (per tax records; see RRE0029262MF_TaxCard), contains a total of 29 units and occupies approximately 0.21 acres (8,987 square feet) of land based on measurement of the building using the NJDEP ArcGIS Screening Tool (see RRE0029262MF_ProjectLocationMap). No elevation is proposed (see RRE0029262MF_ECR). The unit subject to the environmental review occupies approximately 0.0311 acres of land based on property tax records (see RRE0029262MF_TaxCard). The proposed activities to be completed include the application of anti-microbial agent to the foundation; adding batt insulation; moisture protection for the crawl space; rewiring the residence; adding rough plumbing including supply and waste lines; patching/repairing drywall; sealing, priming and painting of walls, ceilings and baseboards; repairing/replacing baseboards and plywood sheathing; removing carpet pad and carpet; installing new carpet pad and carpet; installing baseboard electric heater; removing and replacing greenboard; applying texture to drywall; removing and replacing vinyl flooring covering, cabinetry, and countertop; detaching and resetting the electric range, refrigerator, kitchen sink, gas dryer, washing machine, vanity, water heater, and furnace; repairing and/or replacing the breaker panel, circuit breaker, toilet, toilet flange, fiberglass tub and shower combination, and tub/shower faucet; adding a toilet seat, interior door knobs and combination carbon dioxide/smoke detector, ground fault interrupter, bathroom ventilation fan, and interior door unit; and painting the door slab and door/window trim and jamb. The total estimated cost of the proposed work is \$36,069.09. Repairs reported to have been completed since October 29, 2012, include remediation to remove mold, debris removal, interior repairs (replacement of sheetrock, bathroom cabinets and flooring and painting of all rooms), electrical repairs (replacement of air conditioning unit), plumbing repairs (hot water heater), and replacement of the refrigerator and stove. The total estimated cost of these repairs is \$22,301.31. The total estimated cost of repair (proposed activities and completed repairs) is \$58,370.40 and is considered minor rehabilitation (not substantially damaged) as the cost of repair is less than 50 percent of the pre-disaster market value of the entire structure, \$1,506,800.00, as reported on tax records (see property tax card file RRE0029262MF_TaxCard). See attached Project Location Map file RRE0029262MF_ProjectLocationMap and photo log file RRE0029262MF_Photolog.

[Note: ERMS lists the project activity as reconstruction and elevation, but review of the ECR and Form 6 materials indicate that this project is a rehabilitation without elevation.]

STATUTORY CHECKLIST [24 CFR 50.4, 24 CFR 58.5]

DIRECTIONS - For each authority, check either Box "A" or "B" under "Status."

"A box" The project is in compliance, either because: (1) the nature of the project does not implicate the authority

under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR **"B box"** The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §50.4 & 58.5	STATUS	Compliance Documentation

<p>1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>The proposed project is in compliance. It does not involve any of the applicable activities: major rehabilitation, acquisition of undeveloped land, change of land use, demolition, or new construction.</i></p> <p><i>According to the U.S. Environmental Protection Agency (USEPA), Ocean County has been designated a nonattainment or maintenance area for two National Ambient Air Quality Standards (NAAQS) (see RRE0029262MF_USEPANonAttainmentMaintenanceforNAAQS):</i></p> <ul style="list-style-type: none"> • <i>a marginal nonattainment area for 8-hour ozone (2008 Standard)</i> • <i>a non-classified maintenance area for carbon monoxide (1971 Standard)</i> <p><i>The 1-hour ozone standard (1979) was revoked on June 15, 2005, and the 8-hour ozone standard (1997) was revoked on April 6, 2015.</i></p> <p><i>Emissions associated with the proposed project are estimated to be well below the threshold when compared to the federal General Conformity Rule de minimis thresholds.</i></p> <p><i>There will be temporary, unavoidable increases in particulate matter levels during the proposed repairs and rehabilitation of the building. While air quality may be temporarily affected during improvement activities, the proposed project will adhere to state air quality standards (N.J.A.C. 7:27-1 et seq.). Air quality effects will be mitigated to the extent feasible.</i></p> <p><i>The Division of Air Quality (DAQ) has revised the General Conformity Applicability Analysis for the DCA, HUD Community Development Block Grant for Disaster Recovery (CDBG-DR) for the Hurricane Sandy recovery efforts according to a memorandum from the DAQ dated November 18, 2015 (see RRE0029262MF_RevisedGeneralConformityApplicability). The general conformity analysis is required by the Clean Air Act and Federal Regulation (40 CFR Part 93, (Subpart B)). This revision is due to updated information received from the Sandy Recovery Environmental and Historic Preservation Review Program regarding commercial construction activities associated with the CDBG-DR, which were not assessed in the original environmental assessment. The revised estimated air emissions, including the air emissions related to commercial construction activities, continue to remain below the Federal General Conformity regulation's de minimis thresholds and are presented to conform to the State Implementation Plan (SIP).</i></p> <p><i>To avoid adverse air quality impacts, compliance with the regulatory requirements of New Jersey's Air Rules continues to remain in effect. Activities must still meet the State's Air Pollution Control requirements, e.g., obtaining permits when necessary, adherence to idling limitations, implementation of all reasonable measures to mitigate dust and fugitive emissions from demolition and construction and complying with all state and federal rules for demolition of structures which may contain asbestos.</i></p>
--	---	---

2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. It does not involve any of the applicable activities: major rehabilitation, acquisition for construction, change in land use, increase in density, or new construction.</i></p> <p><i>The restrictions on construction and major rehabilitation of structures in runway protection zones (formerly called runway clear zones) apply to civil airports (24 CFR 51.303). Civil airports are defined as commercial service airports designated in the Federal Aviation Administration's National Plan of Integrated Airport Systems (NPIAS) (24 CFR 51.301(c)). There are no commercial service airports in Ocean County, New Jersey. Within the 9 counties most impacted by Superstorm Sandy, the only New Jersey airports listed as commercial service airports in the current NPIAS are Newark Liberty International Airport in Essex and Union Counties and Atlantic City International Airport in Atlantic County. Runway protection zones extend up to half a mile from the ends of runways along flight paths, and become wider as distance from the runway increases. Newark Liberty International Airport is located approximately 46 miles to the northwest of the project location, and Atlantic City International Airport is located approximately 46 miles to the southwest of the project location (see RRE0029262MF_AirportHazardsMap). As the project is located in Ocean County, airport clear zones will not impact the proposed project.</i></p> <p><i>HUD regulations also include restrictions on construction and major rehabilitation in clear zones and accident potential zones associated with runways at military airfields (24 CFR 51.303). The only military airfield in New Jersey with clear zones and accident potential zones subject to these restrictions is the Lakehurst Naval Air Station. The clear zones and accidental potential zones associated with the Lakehurst Naval Air Station are located in Burlington County and Ocean County. Consequently, the proposed project is not located within an airport clear zone or the Lakehurst Accident Potential Zone, which is located approximately 13 miles west of the proposed project location (see RRE0029262MF_AirportHazardsMap).</i></p>
3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. It does not involve any of the applicable activities: major rehabilitation, acquisition of undeveloped land, change of land use, or new construction.</i></p> <p><i>Per the New Jersey Department of Environmental Protection's (NJDEP) HUD Environmental Review Tool, the proposed project is located within the Coastal Area Facility Review Act zone (see RRE0029262MF_CoastalZoneManagementMap). As the proposed project involves rehabilitation with no elevation, NJDEP Division of Land Use Regulation (DLUR) permit determination consultation is not required. DLUR has previously stated that rehabilitation projects without elevation do not require Coastal permits from the State as internal construction and minor external construction (roofing/siding) are not regulated (see RRE0029262MF_DLURNoConsultation).</i></p> <p><i>The project is not located within the regulated boundaries of the Upland Waterfront Development Zone or the Hackensack Meadowlands and permits pursuant to these applicable statutes are not required (see RRE0029262MF_CoastalZoneManagementMap).</i></p>

<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input type="radio"/> A <input checked="" type="radio"/> B</p>	<p><i>Of the applicable activities, it involves rehabilitation but not acquisition, change of use to residential, demolition, leasing, new construction, or construction or improvements to infrastructure.</i></p> <p><i>HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property or conflict with the intended use of the property.</i></p> <p><i>To identify sites near the proposed project location that have hazardous materials, contamination, toxic chemicals, gases and radioactive substances as specified in 24 CFR 58.5(i), a review of the NJDEP's HUD Environmental Review Tool was conducted. This review identified that the project location is not located within the 3,000-foot radius of a "threatening" site (see RRE0029262MF_ContaminationandToxicSubstancesMap).</i></p> <p><i>The parcel may be within the 3,000 foot radius of a Hazardous Waste cleanup site, Landfill, solid waste cleanup site or Hazardous Waste facility that handles hazardous materials or toxic substances; however, all sites that were determined by NJDEP to be "non-threatening" to the potential HUD project are not depicted on the map. Only sites determined to be "threatening" by the NJDEP are depicted on the map.</i></p> <p><i>The site reconnaissance performed on December 8, 2015, revealed no visible recognized environmental conditions (RECs) in the vicinity of the proposed project. There were no obstacles to identification of RECs. In addition, the proposed project site is not listed on a State or Federal Hazardous Waste sites database (see RRE0029262MF_ContaminationandToxicSubstancesMap).</i></p> <p><i>All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules.</i></p> <p><i>Asbestos</i></p> <p><i>The multifamily structure containing the damaged unit was constructed in 1969 (based on tax records); because the structure was constructed prior to 1980, asbestos is assumed to be present and is a potential concern. No asbestos survey reports were provided for the proposed project. Therefore, based on the date of construction, an asbestos survey should be conducted prior to initiation of rehabilitation activities. In the event that an asbestos survey is not completed, all building materials should be presumed to be and managed as asbestos-containing materials. Potential asbestos hazards should be managed in accordance with applicable regulations. All proposed project activities must comply with applicable federal, state, and local laws and regulations regarding asbestos.</i></p> <p><i>Lead</i></p> <p><i>The multifamily structure containing the damaged unit was constructed in 1969 (based on tax records); because the structure was constructed prior to 1978, lead-based paint is assumed to be present and is a potential concern. No lead hazard assessment or lead-based paint testing reports were provided for the proposed project. Therefore, based on the date of construction, a lead-based paint survey should be conducted prior to initiation of rehabilitation activities. In the event that a lead-based paint survey is not completed, all painted surfaces within the building should be presumed to be lead-containing and managed in accordance with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD's lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.</i></p> <p><i>Radon</i></p> <p><i>No testing or mitigation is required for structures that are in an area with a rank of Tier 3. Because the project is located in a Tier 3 area, no radon testing or mitigation is required (see RRE0029262MF_RadonPotentialMap).</i></p>
---	---	--

<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>The proposed project is in compliance. It does not involve any of the applicable activities: major rehabilitation, demolition, new construction, acquisition of undeveloped land, or change of land use.</i></p> <p><i>The environmental review considered potential impacts of the HUD-assisted project to threatened and endangered (T and E) species and, for animals, critical habitats. The review evaluated potential impacts not only to any listed, but also to any proposed or candidate endangered or threatened species and critical habitats. Projects that affect T and E species or critical habitats require consultation with the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS), in compliance with the procedure of Section 7 of the Endangered Species Act.</i></p> <p><i>Review of the individual NJDEP HUD Environmental Review Tool layers for piping plover and red knot indicate that piping plover and red knot are not present on the project site or immediately surrounding properties (see RRE0029262MF_EndangeredSpeciesMap). In addition, the NJDEP HUD Environmental Review Tool Centroid layer indicates that no federally listed or state-listed T and E species are documented on the project site. As a result, coordination with the NJDEP Division of Fish and Wildlife, Endangered Species Program (ENSP) was not required.</i></p> <p><i>The Bat Screening Questionnaire was completed to determine whether the proposed project would adversely impact federally listed Indiana bats, northern long-eared bats, or their habitats. The proposed project does not involve removal of trees or demolition of a building; therefore, the proposed project will have no effect on Indiana bats. The proposed project involves minor interior renovations to a single residential unit within a multifamily structure that is located in a municipality that is not mapped as a northern long-eared bat occurrence area (maternity/hibernation); therefore, the proposed project will have no effect on northern long-eared bats (see RRE0029262MF_BatScreening). The USFWS IPaC landscape explorer tool was used to screen the proposed project location to determine if consultation with USFWS was warranted. Review of the USFWS IPaC landscape explorer tool for the project showed no evidence of bats at the project location; therefore, consultation with USFWS was not warranted (see RRE0029262MF_IPaCResults).</i></p> <p><i>The USFWS IPaC landscape explorer tool was used to generate a list of any federally listed endangered species on the project site or in the project vicinity including the northern long-eared bat and the Indiana bat and to determine if consultation with USFWS was warranted (see RRE0029262MF_IPaCResults). Review of the USFWS IPaC landscape explorer tool for the project showed no evidence of bats at the project location; therefore, consultation with USFWS was not warranted. The IPaC tool identified one threatened bird species (piping plover) and three threatened flowering plant species (kneiskern's beaked-rush, seabeach amaranth, and swamp pink) as species that should be considered as part of an effect analysis for this proposed project. Results of this screening indicate that no critical habitats are located on the project site or in the project vicinity. In addition, the IPaC tool identified 12 migratory birds on or within the vicinity of the proposed project site. The project will not impact the piping plover, kneiskern's beaked-rush, seabeach amaranth, and swamp pink as the project activities do not threaten their habitats. Because tree cutting and vegetation removal are not part of the proposed project activity, the project will not affect migratory birds (see RRE0029262MF_IPaCResults).</i></p>
--	---	--

6. Environmental Justice [Executive Order 12898]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. It does not involve any of the applicable activities: major rehabilitation, acquisition, change of land use, demolition, new construction, or an adverse impact or condition with respect to an environmental issue.</i></p> <p><i>The thresholds for minority and low-income populations in New Jersey are 48.52 percent (urban areas) and 18.58 percent, respectively. The project area covers Census blocks that include environmental justice communities. The project area contains Census tracts and blocks with moderate environmental justice communities, i.e., minority populations and populations below poverty level are both reported as less than 50 percent (see RRE0029262MF_EnvironmentalJusticeMapPercentMinority and RRE0029262MF_EnvironmentalJusticeMapPercentBelowPoverty).</i></p> <p><i>The project would not generate adverse resource or health effects or adversely impact residential, commercial, or community facilities or services that may be of importance to environmental justice communities. The project would not generate disproportionately high and adverse environmental impacts on environmental justice communities (see RRE0029262MF_EnvironmentalJusticeChecklist).</i></p>
7. Explosive and Flammable Operations [24 CFR 51C]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. It does not involve any of the applicable activities: a residential project involving new construction, rehabilitation where unit density is increased, change of land use to residential, vacant buildings made habitable or any project for industrial, commercial, institutional or recreational use, when the activity is new construction or change of land use.</i></p> <p><i>The definition of “HUD-assisted project” at 24 CFR 51.201 is predicated on whether the proposed project increases the number of people exposed to hazardous operations. Therefore, the environmental review for grants to rehabilitate or mitigate housing that existed prior to the disaster is not required to apply the acceptable separation distance (ASD) standards in 24 CFR Part 51C where the number of dwelling units is not increased and the activities are limited to the existing footprint. As a result of the project’s proposed action (rehabilitation without elevation), the number of dwelling units would not increase, and the activities would be limited to the existing footprint of the damaged unit.</i></p>
8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition of undeveloped land, conversion of undeveloped land, new construction or site clearance.</i></p> <p><i>Review of the NJDEP’s HUD Environmental Review Tool indicated that the property involved in the proposed project does not include prime farmland or farmland of unique importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS, formerly the Soil Conservation Service) or farmland of statewide importance (see RRE0029262MF_FarmlandProtectionMap).</i></p>

<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p><input type="radio"/> A <input checked="" type="radio"/> B</p>	<p><i>The proposed project is in compliance. Of the applicable activities, it involves rehabilitation or repair, but does not include acquisition, disposition, financing or leasing existing building, building construction or construction of or improvements to infrastructure.</i></p> <p><i>The presence of a Special Flood Hazard Area (100-year floodplain, zones A or V) was determined by using the NJDEP's HUD Environmental Review Tool. Per the screening tool, it has been determined that the entire proposed project is located in a 100-year floodplain (i.e., Zone AO), with the Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) layer applied. The FEMA Preliminary FIRMs layer is the first "best available information" in the screening tool (see RRE0029262MF_FloodplainManagementMap). Zone AO is part of the 100-year floodplain Zone A depicted in the legend of the Floodplain Management Map (see RRE0029262MF_FloodplainManagementMap).</i></p> <p><i>Per the FEMA National Flood Insurance Program FIRM Map for Ocean County, New Jersey, Panel 218 of 611, Community-Panel Number 34029C0218F, dated September 29, 2006, the entire proposed project is located within Zone AO. Zone AO is identified as areas where flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths have been determined (see RRE0029262MF_FIRM34029C0218F).</i></p> <p><i>The total estimated cost of the project is approximately \$58,370.40, and is considered minor rehabilitation (not a substantial improvement or substantially damaged) as the cost of repair is less than 50 percent of the pre-disaster market value of the entire multi-family structure, \$1,506,800.00, as reported on tax records (see property tax card file RRE0029262MF_TaxCard).</i></p> <p><i>The proposed action involves the rehabilitation of a single residential unit (Unit 1102) within a multifamily structure. A 5-step floodplain analysis was conducted to determine whether the proposed project would have adverse effects on the floodplain. The results of the 5-step floodplain analysis indicate that there are no practicable alternatives to the proposed project (see RRE0029262MF_5-StepFloodplainAnalysis).</i></p> <p><i>NFIP flood insurance is required as the project activity involves rehabilitation of a single residential unit within a multifamily structure within a FEMA-identified Special Flood Hazard Area.</i></p> <p><i>Per the NJDEP Division of Land Use Regulation (DLUR), a Flood Hazard Area permit is not required for the proposed project. DLUR has previously stated that rehabilitation projects do not require Flood Hazard Area permits from the State as internal construction and minor external construction (roofing/siding) are not regulated (see RRE0029262MF_DLURNoConsultation).</i></p>
--	---	--

10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves rehabilitation and repair but not acquisition, demolition, disposition, ground disturbance or new construction.</i></p> <p><i>The applicant proposes to rehabilitate a condominium, which was constructed in 1969 (per tax records). The subject property is located in a Historic Property Exemption Zone ("Green Zone") delineated by a joint FEMA-NJ Historic Preservation Office (HPO) architectural reconnaissance team, to which the Deputy State Historic Preservation Officer (DHSPO) provided concurrence—Town: Sea Bright Boro; Concurrence Date: 1/29/2013; HPO Project #: 13-0312-2 (see RRE0029262MF_HistoricPreservationMap). Therefore, pursuant to Programmatic Agreement (PA) Tier II Allowance VII.A.2, no further review for potential architectural resource issues is required. With respect to potential archeological issues, the proposed undertaking has been reviewed by a Secretary of Interior-qualified historic preservation professional, archeologist Christopher L. Borstel, Ph.D., RPA. The property is located on the Island Beach, a barrier island. It occupies a lot of approximately 0.0311 acre, per tax records. The NJDEP-HUD Environmental Screening Tool shows that the property is not located in an archeological site sensitivity grid square. In addition, review of application materials provided by NJDCA indicates that rehabilitation is limited to the dwelling interior, with no substantial ground-disturbing activities anticipated for areas outside the building footprint. The application therefore meets PA Tier II Allowance I (site work on barrier islands). No further review for potential archeological issues is required. The application is therefore in compliance with Section 106 of the National Historic Preservation Act (NHPA) and related laws and regulations.</i></p>
11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition, conversion, or new construction for residential or other noise-sensitive developments such as hospitals, nursing homes, day care, community centers, etc. and does not involve reconstruction or rehabilitation projects where residential density is being increased.</i></p> <p><i>Per HUD directive, 24 CFR Part 51B is not applicable to a disaster recovery program, including rehabilitation and mitigation that meets the requirements for exclusion in 24 CFR 51.101(a) (3). The regulation states that HUD noise policy does not apply to "assistance that has the effect of restoring facilities substantially as they existed prior to the disaster." The proposed rehabilitation of the residential structure without increasing the existing footprint would restore housing substantially as it existed prior to Superstorm Sandy.</i></p>

<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<p><input checked="" type="radio"/> A <input type="radio"/> B</p>	<p><i>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition of undeveloped land, change of land use, or new construction.</i></p> <p><i>Review of the NJDEP's HUD Environmental Review Tool indicated that the proposed project is located in an area of a sole source aquifer. The Coastal Plain aquifer system underlies the proposed project site (see RRE0029262MF_SoleSourceAquifersMap).</i></p> <p><i>A 1990 Memorandum of Understanding (MOU) between USEPA to HUD was established to meet the Sole Source Aquifer (SSA) project review requirements of Section 1424 (e) of the 1974 Safe Drinking Water Act (SDWA) PL 93-523(see RRE0029262MF_1990MOU). The overall goal is to ensure that each project/activity receiving Federal financial assistance in a SSA project review area is designed and constructed in a manner that will prevent the introduction of contaminants into the SSA in quantities that may create a significant hazard to public health. This MOU applies to HUD federal financially assisted projects/activities in the project review area of all current and future designated SSAs in USEPA Region II.</i></p> <p><i>As proposed project involves housing and is located in a designated SSA area (Coastal Plain aquifer system), Attachment 2.B Housing/Project Initial Screen Criteria checklist was completed (see RRE0029262MF_SoleSourceAquifersMap and RRE0029262MF_1990MOUAttachment2.B). Coordination with NJDEP regarding the presence of current or proposed public water supply well or wellfields within one half mile radius of the proposed project was required to aid in the completion of Attachment 2.B (see RRE0029262MF_PublicCommunityWellDetermination). As a question on Attachment 2.B was answered affirmatively, SSA consultation with USEPA was required. Attachment 3 SSA Preliminary Review Information Requirements checklist was completed and forwarded to USEPA for review along with Attachment 2.B and supporting applicable project information (see RRE0029262MF_1990MOUAttachment2.B and RRE0029262MF_1990MOUAttachment3).</i></p> <p><i>On January 12, 2016, Tetra Tech was contacted by Mr. Stephen Gould with USEPA Region 2. Mr. Gould indicated that based on the scope of the proposed project, rehabilitation of a residential unit, the proposed project would have no impact on the Coastal Plain SSA system that underlies the project location. In addition, Mr. Gould stated that USEPA and HUD mutually agreed that the rehabilitation of residential units would not create a significant hazard to public health and that this type of project/activity would not warrant USEPA SSA review (RRE0029262MF_USEPAResponse).</i></p> <p><i>The 1990 MOU between USEPA to HUD states that the following list of project/activity categories would not create a significant hazard to public health. These categories of projects/activities are therefore excluded from the Initial Screen/Preliminary Review requirements as outlined in Sections II and III of the MOU.</i></p> <ul style="list-style-type: none"> - Construction of individual new residential structures containing one to four units - Funding of planning grants - Rehabilitation of residential units - Funding of all other grants for non-construction projects/activities - Projects identified as exempt in 24 CFR 58.34 <p><i>The proposed action involves the rehabilitation of a single residential unit (Unit 1102) within a multifamily structure (5 or more units). The building contains a total of 29 units. Because the extent of the unit rehabilitation is not substantial, building elevation is not required. The proposed project falls under the exclusion of "rehabilitation of residential units." In addition, the proposed project will continue to be serviced by existing water and sewer systems operated by the Brick Township Municipal Utilities Authority.</i></p>
--	---	---

13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition of undeveloped land, change of land use, new construction, or reconstruction on an expanded building footprint.</i></p> <p><i>A review of the NJDEP HUD Environmental Review Tool indicated that wetlands are not present on the proposed project site but are present on an adjacent site (see RRE0029262MF_WetlandsProtectionMap). Wetlands (vegetative dune communities) are mapped as occupying a portion of an adjacent property, approximately 100 feet northeast of the damaged residential unit.</i></p> <p><i>It is unlikely that the project will affect vegetative dune communities' wetlands as the wetlands are located offsite and 100 feet from the damaged residential unit. If the structure stays within the existing footprint or the structure is relocated further away from the wetland, using best management practices, there should be no adverse impact on the wetlands.</i></p>
14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. It does not involve any of the applicable activities: major rehabilitation, acquisition of undeveloped land, change in land use, or new construction.</i></p> <p><i>New Jersey has 262.7 river miles designated as segments of the National Wild and Scenic Rivers System, including portions of the Delaware River, Great Egg Harbor River, Maurice River, and Musconetcong River. Designated rivers also include specific segments of tributaries to these rivers as referenced in the Act. The nearest Wild and Scenic River, the Lower Delaware River, is located approximately 46 miles to the west-northwest of the proposed project site (see RRE0029262MF_WildandScenicRiversMap). The project is not located within ¼ mile of a Wild and Scenic River stream bank or within a one-mile radius of a designated Wild and Scenic River; therefore, the proposed project would not affect Wild and Scenic Rivers and consultation with the National Park Service is not required.</i></p>

24 CFR 58.6 CHECKLIST [24 CFR 50.4, 24 CFR 58.6]

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3), D]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

☒ **No.** Cite or attach Source Documentation: [Project complies with 24 CFR 51.303(a)(3)]

The project site is not within any runway protection zones (formerly called runway clear zones) at airports subject to 24 CFR 58.6 or clear zones at military airfields subject to 24 CFR 58.6. Newark Liberty International Airport is located approximately 46 miles to the northwest of the project location, and Atlantic City International Airport is located approximately 46 miles to the southwest of the project location. The proposed project is not located within an airport clear zone or the Lakehurst Accident Potential Zone, which is located approximately 13 miles west of the proposed project location. As the project is located in Ocean County, airport clear zones will not impact the proposed project. Documentation supporting this finding is presented as RRE0029262MF_AirportHazardsMap.

☐ **Yes.** Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging

receipt of this information, and a copy of the signed notice must be maintained in the ERR.

2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)]

Is the project located in a coastal barrier resource area?

☒ **No.** Cite or attach Source Documentation: [Proceed with Project]

The nine designated units of the Coastal Barrier Resources System in New Jersey are uninhabited. The 12 "otherwise protected areas" associated with the Coastal Barrier Resources System in New Jersey are also uninhabited. The proposed project activities will not occur on designated coastal barriers or in "otherwise protected areas," and the proposed project would have no impact on coastal barrier resources. Documentation supporting this finding is presented as RRE0029262MF_USFWSCoastalBarriersResourcesMap.

☐ **Yes.** Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 (42 USC 4001-4128 and 42 USC 5154a)]

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

☐ **No.** Cite or attach Source Documentation: [Proceed with Project]

☒ **Yes.** Cite or attach Source Documentation:

The presence of a Special Flood Hazard Area (100-year floodplain, zones A or V) was determined by using NJDEP's HUD Environmental Review Tool. It has been determined that the entire proposed action is located in a 100-year floodplain, i.e., Zone AO, with the FEMA Preliminary FIRMs layer applied. The FEMA Preliminary FIRMs layer is the first "best available information" in the screening tool. Documentation supporting this finding is presented as RRE0029262MF_FloodplainManagementMap.

Per the FEMA National Flood Insurance Program FIRM Map for Ocean County, New Jersey, Panel 218 of 611, Community-Panel Number 34029C0218F, dated September 29, 2006, the entire proposed project area, approximately 0.0311 acres, is located within Zone AO. Zone AO is identified as areas where flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths have been determined (see RRE0029262MF_FIRM34029C0218F).

Is the community participating in the National Insurance Program (or has less than one year passed since FEMA

notification of Special Flood Hazards)?

☒ **Yes. Flood Insurance under the National Flood Insurance Program must be obtained.** If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

☐ **No. Federal assistance may not be used in the Special Flood Hazard Area.**

☐ **N/A**

Summary of Findings and Conclusions

Field Inspection (Date and completed by):

Field inspection conducted on December 8, 2015, by Beth Williams, Tetra Tech (see RRE0029262MF_FieldInspectionReport and RRE0029262MF_Photolog).

Summary Statement of Findings and Conclusions:

Based upon completion of this analysis, environmental review of the proposed project indicates there will be no significant changes to existing environmental conditions across the impact categories implemented by HUD in response to the National Environmental Policy Act of 1969. The proposed project complies with environmental requirements for funding. The proposed project will have a net benefit on the community.

Required Mitigation and Project Modification Measures: [24 CFR 58.40(d), 40 CFR 1505.2(c), 40 CFR 1508.20]
(Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)

General

1. *Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.*
2. *If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.*

Air Quality

3. *Use water or chemical dust suppressant in exposed areas to control dust.*
4. *Cover the load compartments of trucks hauling dust-generating materials.*
5. *Reduce vehicle speed on non-paved areas and keep paved areas clean.*
6. *Retrofit older equipment with pollution controls.*
7. *Establish and follow specified procedures for managing contaminated materials discovered or generated during*

construction.

8. *Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.*
9. *Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:*
 - a. *Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);*
 - b. *Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of 0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);*
 - c. *Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and*
 - d. *Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).*
10. *Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "3-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).*
11. *Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (less than 15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).*
12. *Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.*

Floodplain Management and Flood Insurance

13. *No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].*

Hazardous Materials

14. *All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:*
 - *National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145*
 - *National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150*
 - *NJAC 7:26-2.12—Generator requirements for disposal of asbestos containing waste materials*
 - *New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.*
15. *As the structure was constructed prior to 1980, an asbestos survey should be conducted prior to initiation of rehabilitation activities. In the event that an asbestos survey is not completed, all building materials should be presumed to be and managed as asbestos-containing materials.*
16. *Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).*
17. *As the structure was constructed prior to 1978, a lead-based paint survey should be conducted prior to initiation of rehabilitation activities. In the event that a lead-based paint survey is not completed, all painted surfaces within the building should be presumed to be lead-containing and managed in accordance with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD's lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J. All residential structures must be free of mold attributable to Superstorm Sandy.*
18. *All residential structures must be free of mold attributable to Superstorm Sandy.*

CERTIFICATIONSVadim Petrov, TetraTech2016-01-21 22:38:49

Preparer Agency and Name

Completion Date

RE Certifying Officer NameRE Certifying Officer SignatureRE CO Signature Date