

**From:** Donna Mahon <Donna.Mahon@dep.nj.gov>  
**Sent:** Wednesday, December 31, 2014 3:47 PM  
**To:** Jablon, Rebecca  
**Cc:** 'kenneth.Rock@icfi.com'; Sherman, Steven; 'neil.sullivan@icfi.com'; Tonalee Key; Cindy Davis  
**Subject:** FW: Sole Source Aquifers  
  
**Importance:** High

Rebecca- see below from Mike. He extended this approval from Region 3 to apply to all EPA regions (making a note that he has something from Region 2 on file).

For the Pennsauken project we will apply this approval to use the criteria thereby negating the need for consultation with EPA. Also, I would like to clarify that the criteria is in an urban area and is not limited to the nine affected counties since the declared emergency was not limited to the nine counties.

Neil, Ken and Steve, we need to amend the guidance document to reflect that the application of this memo is not limited to the nine counties unless there is some other reason that I am overlooking.

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**From:** Mahon, Donna  
**Sent:** Tuesday, March 25, 2014 7:03 PM  
**To:** Shaw, Heather ([HShaw@louisberger.com](mailto:HShaw@louisberger.com)); Raskin, Morgan ([mraskin@louisberger.com](mailto:mraskin@louisberger.com)); Sliker, Laura ([lsliker@louisberger.com](mailto:lsliker@louisberger.com))  
**Cc:** Henne, Laura; Weigand, Jerri; Key, Tonalee  
**Subject:** FW: Sole Source Aquifers  
**Importance:** High

Ladies, please proceed to finalize those ERRS that were pending a SSA decision from HUD for those NEP projects that fall into the urban category with the condition that they do not increase impervious cover by more than 75%. I believe this was the one outstanding issue to complete these reviews. Thank you.

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**From:** Furda, Michael R [<mailto:michael.r.furda@hud.gov>]  
**Sent:** Tuesday, March 25, 2014 6:59 PM  
**To:** Mahon, Donna  
**Subject:** RE: Sole Source Aquifers

Yes, sorry I and EPA concur per **highlight** below. I forgot to inform you, too much on plate.

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**From:** Mahon, Donna [<mailto:Donna.Mahon@dep.state.nj.us>]  
**Sent:** Tuesday, March 25, 2014 6:42 PM

**To:** Furda, Michael R  
**Cc:** Shaw, Heather ([HShaw@louisberger.com](mailto:HShaw@louisberger.com)); Henne, Laura  
**Subject:** RE: Sole Source Aquifers  
**Importance:** High

Mike- I have three NEP reviews that are on hold pending the final decision on this process. I would like to proceed with telling the contractors that this consultation is not needed if it meets the exemption and they hold to 75% impervious cover.

Thanks!

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**From:** Furda, Michael R [<mailto:michael.r.furda@hud.gov>]  
**Sent:** Wednesday, March 19, 2014 11:17 AM  
**To:** Mahon, Donna  
**Subject:** RE: Sole Source Aquifers

Waiting on EPA return call.

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**From:** Mahon, Donna [<mailto:Donna.Mahon@dep.state.nj.us>]  
**Sent:** Wednesday, March 19, 2014 11:10 AM  
**To:** Furda, Michael R  
**Subject:** RE: Sole Source Aquifers

Thanks, Mike – I will wait to hear from you.

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**From:** Furda, Michael R [<mailto:michael.r.furda@hud.gov>]  
**Sent:** Wednesday, March 19, 2014 8:47 AM  
**To:** Mahon, Donna  
**Cc:** D'Agostino, Jeffrey M; Fretwell, Therese J; McNamara, Lauren B; Uebbing, Annemarie C; Bedford, William L  
**Subject:** RE: Sole Source Aquifers

Donna:

I concur that for new construction or rehabilitation projects that rely on municipal public water and sewer as funded via CDBG-DR will not require consultation from the EPA for Region 2 as long as their threshold criteria per EPA guidance memos for Regions 1 - 3 (Region 2 policy memos that I have filed) are not

exceeded. For these activities (1) impervious surface coverage that does not exceed 75% and (2) there is no significant BMPS runoff, will not require EPA consultation/review.

Just to be safe, I will consult with my EPA contact in NYC for concurrence today. Be in touch.

Mike.

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**From:** Mahon, Donna [Donna.Mahon@dep.state.nj.us]  
**Sent:** Monday, March 17, 2014 5:28 PM  
**To:** Furda, Michael R  
**Cc:** Henne, Laura; Weigand, Jerri; D'Agostino, Jeffrey M  
**Subject:** Sole Source Aquifers

Mike- as we discussed earlier today, new construction or rehabilitation projects within urban areas would qualify for the exemption from the SSA review as per the August 13, 1996 memo from EPA to HUD – Philadelphia office.

In that memo it indicates that “A project is considered for EPA SSA review if all three of the following questions can be answered with a “yes”:

- 1) Is the project/action located in an area designated as a SSA
- 2) Is the project/action partially federally funded, and
- 3) Does the project/action have the potential to create a significant hazard to public health by adversely impacting ground water either during construction or after completion and facility is in operation?

We are a yes for 1 and 2 and then must determine 3.

To determine 3, as we discussed, we are focusing on the applicability of the first of the four categories where a project is NOT considered to pose a significant hazard to public health, and therefore are generally excluded from SSA review.

The first criterion where an SSA review is generally not needed is:

**“in urbanized areas, single or multi-unit housing developments, community centers and schools that use existing public water and sewer.”**

We consider projects to be within urban areas because they are residential and zoned as residential. Therefore, they should be considered exempt from SSA review and we would document the memo in the file as to the applicability. **You agreed during our discussion today that we fit into the exemption for urban projects as long as we condition the construction on no more than 75% impervious cover.**

Please indicate if I have accurately captured our discussion. **If you agree then we will move forward with exempting projects within a Sole Source Aquifer from EPA consultation for project that are considered urban (defined residentially-zones) and will include two conditions: 1) no more than 75% impervious cover; and 2) BMPS to avoid runoffs during construction.**

Thank you.

Donna Mahon, Director ,NJDEP

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