

## ENVIRONMENTAL ASSESSMENT

### Determinations and Compliance Findings for HUD-Assisted Projects

#### 24 CFR Part 58

**Responsible Entity:** New Jersey Department of Community Affairs, Richard Constable III, Commissioner

**Applicant Name:** \_\_\_\_\_ (First) \_\_\_\_\_ (Last)

-or- Jersey City Redevelopment Agency (Business/Corporate Name)

**Project Location:** 1 Berry Road (Street Address)

Jersey City (Municipality) Hudson (County) NJ (State) 07018

19803 (Block) 1,3-5,8-21 (Lot)

18901 (Block) 1,2,18 (Lot)

#### Conditions for Approval [40 CFR 1505.2(c)]:

The site of the proposed project is an active, in-compliance NJDEP Contaminated site. The NJDEP has determined that contamination discharged at the HUD Applicant's property has impacted soil but the future use of the property is restricted to be maintained as open space. A Deed Notice will be implemented at the site which addresses soil contamination that remains on the property. Free product recovery has impacted groundwater on a limited portion of the property. Under NJDEP Guidelines, free product cannot remain in groundwater on the property. Ongoing free product recovery is being conducted by the Applicant's LSRP on a limited portion of the property. There is no intent to leave free product on the property and there are no vapor intrusion concerns due to groundwater contamination since no permanent, inhabitable structures are planned for the park.

The proposed project has been reviewed and it is the finding of this environmental assessment that upon compliance with the requirements for continued remediation of the previous site contamination the federal action of releasing funding to aid this project will not have a significant impact on the quality of the human environment.

The Applicant's property has been issued a "Conditional Clearance" by NJDEP. Due to the age of the structure proposed for demolition, all activities must comply with applicable federal, state, and local laws and regulations regarding asbestos and lead-based paint. In order to maintain this "Conditional Clearance", the following NJDEP documents must be reviewed prior to construction, and complied with during construction, to ensure potential hazardous conditions on the Applicant's property are understood and mitigated:

- Conditional Clearance Email
- HUD Toxics Clearance Spreadsheet
- Draft Deed Notice (draft date 02/12/2014)
- Free Product / Contaminant Discovery Guidance at HUD Funded Projects: Applicant #NCR39562



pavement were removed and will be replaced by landscaping and pervious concrete and pavers. New buildings will be limited to concession building, and press boxes.

This project consists of four phases. Acquisition of the 11 properties that comprised the first phase of the Berry Lane Park project spanned nearly five years and included complex negotiations with property owners. Working collaboratively with the entity responsible for the hexavalent chromium contamination, the JCRA managed the implementation of the remedial action workplans for the project. Remediation began in 2012 and was completed during the summer of 2013. The second phase of the project included new curbing, sidewalks, and tree planting along Woodward Street, which comprises the entire eastern boundary of the park. This work was completed in May of 2014. The third phase of the project included the installation of conduit and footings for 110 new LED pedestrian lights throughout the new park. This work is expected to be completed in July of 2014. The light poles and lamps will be installed in the future once the pavement has been installed.

This environmental assessment is for the fourth and final phase of the proposed project. It is anticipated that this phase will complete the construction of the park. Since the remediation was designed in anticipation and in harmony with the park design, the park construction will minimally disturb the soil cap that was installed last year. Most of the major utilities have already been installed and most of the park features will be “building up” from the existing grade.

Since the park design has been completed, all that is necessary is the completion of the final construction drawings and the preparation of bidding packages for the public bidding process. Upon receipt of funding, work could be put out to bid in approximately two months and completed within a 9-month period.

Specifically, the park construction will involve the following:

- Installation of fencing
- Installation of sports lighting, including excavation for footings and offsite disposal of historic fill (footings will extend below the cap)
- Installation of synthetic turf soccer field
- Installation of drainage stone and pouring of pervious concrete pavement for paths
- Installation of base and finish course pavement for basketball, tennis, and bikeways
- Installation of playground equipment and safety surfacing
- Installation of recirculating spray park equipment , pumps, filters, piping, jets and concrete surface
- Installation of historic elements, specialty pavement, plaques/signage relative to Morris Canal in accordance with MOA executed with SHPO for this purpose
- Tree pit excavation and tree planting
- Spreading of topsoil and landscaping
- Excavation and backfill for installation of electrical conduit and pulling of wires
- Excavation and backfill for installation of pipe for potable water loop for ground hydrants and drinking fountains
- Excavation and pouring of concrete footings, curbing, pavement
- Asphalt road resurfacing
- Installation of site furniture (benches, trash receptacles, bike racks, bleachers, etc)
- Construction of maintenance, press, and concession buildings

**Existing Conditions and Trends [24 CFR 58.40(a)]:**

The site consists of approximately 17.5 acres on flat land. The land within the project area has been acquired and remediated for the purpose of development of parkland. All the properties at the site are Brownfields, with prior uses constituting a mix of commercial and industrial uses including: automotive sales and storage, boat storage and repair, coal & heating oil storage, a delivery yard, a junkyard, a railroad yard and residential homes.

The neighborhoods to the East and West are predominately residential with older 1 and 2 family housing stock and apartment buildings. The area to the North is a former commercial / industrial site that is currently undergoing redevelopment in the form of the Whitlock- Cordage Condominium project. The area to the South is a commercial / industrial area that includes warehouses a wood recycling plant and some residential areas. This area to the South is inside the Canal Crossing Redevelopment Area.

**PART I: 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	STATUS A B		Compliance Documentation
<b>1. Air Quality</b> [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]	<b>A</b>		The proposed project is located in Hudson County with the following air quality status: Nonattainment for ozone (1997 and 2008), Maintenance for CO, and Maintenance for PM2.5 (1997 and 2006 standards).  See <i>NCR39562_AirQualityMap.pdf</i> Source: <a href="http://www.epa.gov/airquality/greenbk/">http://www.epa.gov/airquality/greenbk/</a>  The NJDEP Division of Air Quality has issued a Memorandum stating that the activities under the CDBG-DR Program are below the Federal General Conformity regulation's de minimis thresholds and are presumed to conform to the SIP.  See <i>NCR39562_AirQualityGenConfMemo.pdf</i>
<b>2. Airport Hazards</b> (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<b>A</b>		The proposed project not located within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The following distances apply from the project site:  The closest airport to the proposed project site is Newark Liberty International Airport, which is 4.3 miles away (shown on map page 2). Lakehurst Naval Air Station and Atlantic City International Airport are approximately 46 miles and 91 miles and from the project site, respectively.  See <i>NCR39562_AirportClearZoneMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1
<b>3. Coastal Zone Management</b> [Coastal Zone Management Act sections 307(c) & (d)]	<b>A</b>		The proposed project is not located within the boundaries of the NJ Coastal Area Facility Review Act (CAFRA) Zone, the Upland Waterfront Development Zone, or the Hackensack Meadowlands.  See <i>NCR39562_CoastalZoneManagementActMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1

<p><b>4. Contamination and Toxic Substances</b> [24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>		<p>Based upon completing this EA, environmental review of the proposed project indicates that the Applicant’s property is an active, in-compliance NJDEP Contaminated site. The Applicant’s property has been issued a “Conditional Clearance” by NJDEP</p> <p>(See NCR39562_RemediationCondClearance.pdf).</p> <p>The NJDEP has determined that contamination discharged at the HUD Applicant’s property has impacted soil but the future use of the property is restricted to be maintained as open space. A Deed Notice (see <i>NCR39562_DraftDeed Notice.pdf</i>) will be implemented at the site which addresses soil contamination that remains on the property. Free product recovery has impacted groundwater on a limited portion of the property. Under NJDEP Guidelines, free product cannot remain in groundwater on the property. Ongoing free product recovery is being conducted by the Applicant’s LSRP on a limited portion of the property (see <i>NCR39562_FreeProduct Guidance.pdf</i>). There is no intent to leave free product on the property and there are no vapor intrusion concerns due to groundwater contamination since no permanent, inhabitable structures are planned for the park. During desktop review, the parcel was found to be within the 3,000 ft. radius of the following “threatening” sites on the map.</p> <table border="1" data-bbox="755 913 1502 1123"> <thead> <tr> <th>Site Name</th> <th>Site ID</th> <th>Date Cleared</th> </tr> </thead> <tbody> <tr> <td>Pacific Bus Company</td> <td>55800</td> <td>9/12/14</td> </tr> <tr> <td>NJ Turnpike Authority Interchange 14B Toll Plaza</td> <td>47346</td> <td>9/19/14</td> </tr> <tr> <td>NJ Turnpike Authority Maintenance Dist #7</td> <td>7290</td> <td>9/12/14</td> </tr> <tr> <td>Sterling trimming Company</td> <td>22497</td> <td>9/19/14</td> </tr> </tbody> </table> <p><b>B</b></p> <p>The sites were cleared and are no longer considered a threat (see <i>NCR39562_ToxicsSiteClearanceResponse.pdf</i>). The parcel may be within the 3,000 foot radius of additional Hazardous Waste cleanup sites, Landfills, solid waste cleanup sites or Hazardous Waste facilities that handle 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. Other sites of concern shown on Maps 1 - 4 are beyond the 3,000 radius of the project site and are therefore not an issue for this project.</p> <p>(See <i>NCR39562_ToxicHazardousandRadioactiveSubstancesMap1.pdf</i>; <i>NCR39562_ToxicHazardousandRadioactiveSubstancesMap2.pdf</i>; <i>NCR39562_ToxicHazardousandRadioactiveSubstancesMap3.pdf</i>; <i>NCR39562_ToxicHazardousandRadioactiveSubstancesMap4.pdf</i>)</p> <p>There is currently one structure on the site, Property #11, which is being reviewed in this ERR but which is not included within the phase of the project considered in this funding application. Property #11 is the only portion of the site where lead based paint or asbestos containing building materials may be present. Because Property #11 represents a removable portion of the planned recreational development, it is unknown at this time whether the property will be acquired. Moreover, the acquisition of the property may or may not require federal funding. Should the procurement of federal funding be applied to Property 11, the property</p>	Site Name	Site ID	Date Cleared	Pacific Bus Company	55800	9/12/14	NJ Turnpike Authority Interchange 14B Toll Plaza	47346	9/19/14	NJ Turnpike Authority Maintenance Dist #7	7290	9/12/14	Sterling trimming Company	22497	9/19/14
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		<p>would be incorporated into the project. Under such circumstances, asbestos and lead-based paint assessments would be required and HUD lead-based paint poisoning prevention rules at 24 CFR Part 35 will apply to the project since the project would involve structures for which construction was completed on or before January 1, 1978. OSHA regulations presume that surfacing materials used in buildings constructed prior to 1980 contain potential asbestos-containing materials (ACMs). All activities must comply with all local, state, and federal laws pertaining to the proper handling and disposal of these materials. See Required Mitigation and Project Modification Measures.</p> <p>The project site is located in Jersey City (see <i>NCR39562_RadonHazardMap.pdf</i>), which is designated as a Tier 3 area for radon by NJDEP, as indicated in the following table. No testing or mitigation is required for structures that are in areas with ranks of Tier 2 or Tier 3.</p> <table border="1" data-bbox="829 724 1346 1178"> <thead> <tr> <th colspan="2"><b>Hudson County</b></th> </tr> <tr> <th>Municipality Designation</th> <th>Tier</th> </tr> </thead> <tbody> <tr><td>Bayonne City</td><td>3</td></tr> <tr><td>East Newark Boro</td><td>2</td></tr> <tr><td>Guttenburg Town</td><td>2</td></tr> <tr><td>Harrison Town</td><td>2</td></tr> <tr><td>Hoboken City</td><td>3</td></tr> <tr><td>Jersey City</td><td>3</td></tr> <tr><td>Kearny Town</td><td>2</td></tr> <tr><td>North Bergen Twp.</td><td>2</td></tr> <tr><td>Seacaucus Town</td><td>3</td></tr> <tr><td>Union City</td><td>2</td></tr> <tr><td>Weehawkin Twp.</td><td>2</td></tr> <tr><td>West New York Town</td><td>2</td></tr> </tbody> </table> <p>Source: NJDEP HUD Environmental Review GIS Tool 2.1 and <a href="http://www.njradon.org">www.njradon.org</a></p>	<b>Hudson County</b>		Municipality Designation	Tier	Bayonne City	3	East Newark Boro	2	Guttenburg Town	2	Harrison Town	2	Hoboken City	3	Jersey City	3	Kearny Town	2	North Bergen Twp.	2	Seacaucus Town	3	Union City	2	Weehawkin Twp.	2	West New York Town	2
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<p><b>5. Endangered Species</b>                  [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><b>A</b></p>	<p>While no state or federal listed species were identified in the centroids of any of the parcels in the project area (see <i>NCR39562_EndangeredSpeciesMap2.pdf</i>), desktop review identified the potential for presence of the Northern Long-Eared Bat on the project site (see <i>NCR39562_EndangeredSpeciesMap.pdf</i>)</p> <p>Following consultation with the New Jersey division of Fish and Wildlife Endangered and Nongame Species Program, it was determined that the project would not affect Northern Long-Eared Bat populations based on the fact that, while the project may require limited clearing of trees, the extent of mature woody vegetation on site is quite limited and does not appear suitable for Northern Long-Eared Bats. Therefore no bat species are expected to be present. This project may commence without concern regarding “take” of Northern Long-Eared Bats.</p> <p>Additionally, according to the NHP Database Table 2 search results (see <i>NRC39562_NaturalHeritageDataResponse.pdf</i>), numerous animal species (foraging, non-breeding sighting, urban nest, migration corridor) were determined to possibly be within a mile of the project site. Nonetheless, based on the findings of no state or federally-listed animal species identified at any of the parcels in the project area, the NHP identified animals are not expected to be impacted by the project.</p> <p>Sources: Environmental Review GIS Tool 2.1, a consultation with the Natural Heritage Program for a search of their databases, and the NJDEP Landscape Project Database.</p> <p>See <i>NCR39562_LandscapeProjectMap.pdf</i> (NJDEP HUD Environmental Review GIS Tool 2.1); September 11th, 2014 letter from the Natural Heritage Program, <i>NRC39562_NaturalHeritageDataResponse.pdf</i> (NJDEP Landscape Project Database 2012); and October 9th, 2014 email correspondence from NJ DFW Endangered and Nongame Species Program, <i>NRC39562_ENSP_Response.pdf</i></p>
<p><b>6. Environmental Justice</b>                  [Executive Order 12898]</p>	<p><b>A</b></p>	<p>The percentage of total residents who are identified as non-white by the US Census in the area surrounding the project site ranges from 40 to 100 percent. The percentage of residents with incomes below the poverty line in the area surrounding the project site ranges from 10 to 20 percent (see <i>NCR39562_EJAnalysis.pdf</i>).</p> <p>While the project area reflects a lower poverty rate than that of the City of Jersey City or Hudson County, it includes a higher proportion of minority residents when compared to the City and County. Environmental impacts occurring on or in close proximity to the site include soil contamination that remains on the property (see item 4 above). Mitigation, as described in Part III, below, would be incorporated into the project, and these impacts would be reduced to less-than-significant levels. As a result, the proposed project is not expected to raise environmental justice concerns.</p> <p>Sources: US Census Bureau 2012; project description.</p>



<p><b>7. Explosive and Flammable Operations</b> [24 CFR 51C]</p>	<p><b>A</b></p>	<p>The site of the proposed project is located within the immediate vicinity of three above-ground storage tank (ASTs) facilities. The type and scale of such hazardous operations was determined through site reconnaissance. NJDEP site reconnaissance confirmed that one of the tank facilities, which is operated by Nestle Waters (Tank Facility #1), has one 30,000 gallon water tank. Since this facility contains only non-explosive, non-flammable contents, it was exempt from review. The other two tank facilities, which are operated by SYSCO (Tank Facility #2) and Cemex (Tank Facility #3), contain fly ash and diesel fuel, respectively.</p> <p>See <i>NRC39562_ASTReconReport_Nestle.pdf</i>; <i>NRC39562_ASTReconReport_SYSCO.pdf</i>; and <i>NRC39562_ASTReconReport_CEMEX.pdf</i>.</p> <p>For the AST containing a 1,000 gallon diesel fuel storage tank operated by SYSCO (Tank Facility #2), the distance from the project site and a preliminary calculation of the acceptable separation distance (ASD) between such operations and the project site was calculated (see <i>NRC39562_ASTDescriptions.pdf</i>) using the Acceptable Separation Distance Electronic Assessment Tool. The ASD for tanks of this size and nature is 276.57 feet (ASDPPU). Since the actual distance calculated by the desk top tool was 5,143 feet, the tank was found to exceed the ASD from the project site. Therefore, it is recommended that it is safe to use the property in accordance with HUD’s Acceptable Safe Distance Rule, 24 CFR Part 51, Subpart C. This facility also includes a 300,000 gallon water storage tank, which was exempt from review.</p> <p>Tank Facility #3 contains 6 silos with combustible dust in the form of fly ash (silica). Of the 6 fly ash storage silos comprising this facility, 5 silos have a capacity of 120 tons and 1 has a capacity of 96 tons. The 96 ton capacity silo is currently not operational. There is a potential for a dust explosion from fly ash, which is a very fine powdery material composed mostly of silica. However, OSHA and other references do not identify silica dust as being particularly explosive. Combustible dust is not covered by HUD’s Acceptable Safe Distance Rule (24 CFR Part 51, Subpart C), and therefore does not have an ASD. The actual distance calculated by the desk top tool was 3,345 feet (see location of the tank on <i>NCR39562_ASTMap2.pdf</i>), and a highway, rail yard, and various structures are located between the two sites. Upon measurement, this distance is expected to exceed the necessary separation distance to ensure public safety. Moreover, the proposed project does not involve human habitation on the project site. Thus no impact to public safety is expected.</p> <p>See AST maps: <i>NCR39562_ASTMap2.pdf</i>; <i>NCR39562_ASTMap3.pdf</i>.</p>
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<p><b>8. Farmland Protection</b>                  [Farmland Protection Policy Act of 1981, particularly sections 1504(b) &amp; 1541; 7 CFR 658]</p>	<p><b>A</b></p>	<p>The proposed project is not located on land that is classified as prime or unique farmland or farmland of statewide importance.</p> <p>See <i>NCR39562_FarmlandProtectionMap.pdf</i>                  Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
<p><b>9. Floodplain Management</b>                  [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p><b>B</b></p>	<p>Based upon completing this EA, environmental review of the proposed project indicates that the Applicant’s property is located within the Special Flood Hazard Area Zone “AH” with a base flood elevation of 12 feet, as shown on the Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate maps (FIRMs) Panel 104 of 118, Map Number 34017C0104D, issued August 16, 2006. FEMA released a Preliminary FIRM for Hudson County in January 2014 to replace the Preliminary Work Map that was an interim product developed following Superstorm Sandy. The Preliminary FIRM shows a much smaller portion of the property as being located within the Special Flood Hazard Area Zone “AE” with a base flood elevation of 11 feet and the majority of the project site being located with Zone “X”, which represents areas of 1% annual chance of flooding with average depths of less than 1 foot.</p> <p>An 8-Step Floodplain review was completed which determined that no practicable alternative exists for locating the proposed project in the 100-year floodplain. The site identified for the proposed project best meets the objectives for economic recovery effort from Superstorm Sandy, and the project would result in beneficial effects to the surrounding community by supporting the long-term recovery of small businesses and communities contributing to economic revitalization. Moreover, the replacement of impervious surface with mostly open vegetation and porous pavers would decrease surface water run-off in the area and reduce overall flood risk. This would minimize the potential adverse impacts to lives, property, and natural values within the floodplain.</p> <p>A special land use permit is not required. Following review of the project description and information maintained by the Department of Environmental Protection, Division of Land Use Regulation, the determination was made that a Flood Hazard Area permit is not required based on a review of the Flood Hazard Area Control Act Rules.</p> <p>(See <i>NRC39562_FloodHazardAreaApplicabilityDetermination.pdf</i>;  <i>NCR39562_FloodplainManagementMap.pdf</i>;  <i>NCR39562_8-StepFloodplainReview.pdf</i>;  <i>NCR39562_EarlyNoticeComments.pdf</i>)                  Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>

<p><b>10. Historic Preservation</b> [National Historic Preservation Act of 1966, particularly sections 106 &amp; 110; 36 CFR 800]</p>	<p><b>A</b></p>	<p>The proposed project site is not within the Historic Property Exemption Zone, so the site was reviewed by an LBG architectural historian who determined that there are no historic properties affected within the project's area of potential effects.</p> <p>The NJ State Historic Preservation Office (SHPO) has concurred that there would be no historic properties affected within the proposed project's area of potential effects. To enhance park design, the SHPO recommended removing the stamped pavement mule hoof prints as the prints may retain rainwater increasing mosquito breeding in the park.</p> <p>See <i>NCR39562_NJHPO_Submittal.pdf</i>; <i>NCR39562_NJHPO_Concurrence.pdf</i>; <i>NCR39562_NJHPO_Review.pdf</i> and <i>NCR39562_HistoricPreservationMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
<p><b>11. Noise Abatement and Control</b> [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p>	<p><b>A</b></p>	<p>Given the planned recreational nature of this project and that the site will not be used for human habitation, extensive noise abatement and control analysis was not required. However, a noise screening analysis concluded that the 65 DNL criterion for acceptable noise would not be exceeded at the project site noise analysis location. Therefore, no significant impacts would occur and no mitigation is required.</p> <p>See <i>NCR39562_NoiseScreeningAnalysis.pdf</i></p>
<p><b>12. Sole Source Aquifers</b> [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<p><b>A</b></p>	<p>The proposed project is not situated within the boundaries of a designated Sole Source Aquifer.</p> <p>See <i>NCR39562_SoleSourceAquiferMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>
<p><b>13. Wetlands Protection</b> [24 CFR 55, Executive Order 11990, particularly sections 2 &amp; 5]</p>	<p><b>A</b></p>	<p>Wetlands are not on or in the vicinity of the proposed project area.</p> <p>See <i>NCR39562_WetlandProtectionMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1 and site reconnaissance</p>
<p><b>14. Wild and Scenic Rivers</b> [Wild and Scenic Rivers Act of 1968, particularly section 7(b) &amp; (c); 36 CFR 297]</p>	<p><b>A</b></p>	<p>The proposed project is not located within one mile of a listed wild and scenic river. The proposed project site is 89 miles from the Great Egg Harbor River, which is the closest Wild and Scenic River.</p> <p>See <i>NCR39562_WildandScenicRiversMap.pdf</i> Source: NJDEP HUD Environmental Review GIS Tool 2.1</p>

## **PART II: ENVIRONMENTAL ASSESSMENT CHECKLIST**

[24 CFR 58.40; 40 CFR 1508.8 & 1508.27]

For each impact category, evaluate the significance of the effects of the proposal on the character, features, and resources of the project area. Enter relevant base data and credible, verifiable source documentation to support the finding. Note names, dates of contact, telephone numbers, and page references. Attach additional material as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

**Impact Codes:**

- (1) no impact anticipated
- (2) potentially beneficial
- (3) potentially adverse- requires documentation
- (4) requires mitigation
- (5) significant/potentially significant adverse impact requiring avoidance or modification which may require an Environmental Impact Statement

Impact Categories	Impact Code	Impact Evaluation, Source Documentation and Mitigation or Modification Required
<b>Land Development</b>		
Conformance with Comprehensive and Neighborhood Plans	1	<p>The proposed project is located in an industrial land use district but would be compatible with surrounding land uses and in conformance with neighborhood plans by meeting several of the stated redevelopment plan objectives for urban design described in the <i>Canal Crossing Redevelopment Plan</i>, including:</p> <p style="padding-left: 40px;">B. To encourage development with a mixture of uses, high quality building design and an intensity of development that will allow for a self-sufficient and vibrant new community serving as a model for healthy urban growth.</p> <p><i>Sources: NRC39562_MasterPlanLandUseMap.pdf; NRC39562_CanalCrossingRedevelopmentPlan.pdf</i></p>
Land Use Compatibility and Conformance with Zoning	1	<p>The proposed project is located in the Morris Canal Redevelopment Plan Area Zone and is addressed in the Canal Crossing Redevelopment Plan. The proposed project would be compatible with surrounding land uses and in conformance with proposed zoning designations in the area.</p> <p><i>Sources: NRC39562_ZoningMap.pdf; NRC39562_CanalCrossingRedevelopmentPlan.pdf</i></p>

Urban Design- Visual Quality and Scale	1	<p>The proposed design for the park would fit aesthetically within the visual context of the surrounding community and meet several of the stated redevelopment plan objectives for urban design described in the <i>Canal Crossing Redevelopment Plan</i>, including:</p> <p>Objective E. To provide for the redevelopment of brownfield sites through innovative mixed-use development.</p> <p>Objective K. To provide a clearly articulated and rationally designed open space system which consists of active and passive parks dispersed throughout the Area including the interconnection to the Berry Lane Park located north of the Redevelopment Plan and Liberty State Park to the east.</p> <p>Source: <i>NRC39562_CanalCrossingRedevelopmentPlan.pdf</i></p>
Slope	1	<p>The project site consists of a flat vacant and previously disturbed lot.</p> <p>Source: <i>Site reconnaissance; NCR39562_TopoMap.pdf</i></p>
Erosion	1	<p>Approval requirements of the Planning Board include site plan review pursuant to NJSA 40:55D-1 <i>et. Seq</i>, which consists of a preliminary and final site plan application submitted in accordance with the requirements of the Jersey City Zoning Ordinance. A condition of the site plan approval granted by the Planning Board is that prior to issuance of construction permits, the applicant must secure a Soil Erosion &amp; Sedimentation Control Permit.</p> <p>Source: <i>NRC39562_CanalCrossingRedevelopmentPlan.pdf</i></p>
Soil Suitability	1	<p>A review of soils at the site indicates that they are comprised predominantly of urban land, till substrate, with some loam-type soils in the interior of the site. Soil conditions do not preclude the development of park facilities and related structures at the project site.</p> <p>Source: <i>NRCS, Web Soil Survey. See NRC39562_SoilSuitabilityAnalysis.pdf</i></p>
Hazards and Nuisances, Including Site Safety	4	<p>Hazards occurring on or in close proximity to the site include soil contamination that remains on the property (see item 4 above). Mitigation, as described in Part III, below, would be incorporated into the project, and these impacts would be reduced to less-than-significant levels.</p> <p>See: <i>Required Mitigation and Project Modification Measures.</i></p> <p>Source: <i>NCR39562_RemediationCondClearance.pdf</i></p>
Drainage/Storm Water Runoff	1	<p>The site is located in an urban community and will need to adhere to existing stormwater permitting requirements and be compatible with surrounding storm water infrastructure.</p> <p>Source: <i>OneCPD Resource Exchange: Environmental Assessment Factors Guidance</i></p>

Noise- Effects of Ambient Noise on Project & Contribution to Community Noise Levels	1	The noise screening analysis concludes that the 65 DNL criterion for acceptable noise would not be exceeded at the project site noise analysis location. Therefore, no significant impacts would occur and no mitigation is required.  See NRC39562_HUD NoiseScreeningAnalysis.pdf
Energy Consumption	1	The project proposes the installation and maintenance of 110 high efficiency LED pedestrian lights located throughout the park. High output light fixtures employed for the sporting fields will employ the highest available energy efficiency and will be used only as needed.  <i>Source: NRC39562_ApplicantCorrespondence.pdf</i>
<b>Socioeconomic Factors</b>		
Demographic Character Changes	1	While the project area includes a higher proportion of minority residents when compared to the City of Jersey City and Hudson County, the project is recreational in nature, provides a community amenity, and is not expected to raise environmental justice concerns. It is therefore not expected that the proposed project would have an impact on the demographic character of the area.  <i>Sources: US Census Bureau, 2012; project description.</i>
Displacement	1	No residential or commercial displacements will occur as a result of the proposed project, it will be built upon the site of former Brownfields that have been remediated for the purpose of development of parkland. <i>Source: Project application</i>
Employment and Income Patterns	1	The construction of a 17.5 acre park, including maintenance, press, and concession buildings is not expected to induce a substantial amount of additional employment opportunities in the area and would not result in perceptible changes to existing patterns of employment and income. <i>Source: Project application</i>
<b>Community Facilities and Services</b>		
Educational Facilities	1	The proposed project adds a recreational amenity to the community which is not expected to strain the existing school systems. <i>Source: Project application</i>
Commercial Facilities	1	The proposed project is located within 0.5 miles of two neighborhood grocery stores: Pioneer Supermarket (located at 320 Martin Luther King Jr Drive) and Extra Supermarket (located at 360 Martin Luther King Jr Drive). <i>Source: Google Maps</i>
Health Care	1	Jersey City Medical Center is located less than one mile from the project site at 355 Grand Street, Jersey City. <i>Source: Google Maps</i>

Social Services	1	The Lafayette Senior Living Center is located 0.3 miles from the project site, at 463 Pacific Ave, Jersey City. <i>Source: Google Maps</i>
Solid Waste Disposal/Recycling	1	There will be trash and recycling containers placed throughout the park, and collection will be done by City department of public works. <i>Source: NRC39562_ApplicantCorrespondence.pdf</i>
Waste Water/Sanitary Sewers	1	Waste water will be directed to a municipal sewer system. The spray park will be equipped with a recirculation system. Municipal wastewater treatment is provided by the Jersey City Municipal Utilities Authority. <i>Source: NRC39562_ApplicantCorrespondence.pdf</i>
Water Supply	1	Municipal water will be provided throughout the park by United Water, which supplies water to the city of Jersey City from the Jersey City Reservoir in Parsippany and the Split Rock Reservoir in Rockaway and Boonton. Together these reservoirs hold about 11.3 billion gallons of water and cover nearly 2,000 acres. <i>Source: NRC39562_ApplicantCorrespondence.pdf</i>
Public Safety: • Police	1	The Jersey City Police Department is located 0.3 miles from the project site at 576 Communipaw Ave. <i>Source: OneCPD Resource Exchange: Environmental Assessment Factors Guidance. Driving distances measured using Google Maps.</i>
• Fire	1	The Newark Fire Dept is located less than 0.5 miles away from the project site, at Orient and Rose Avenues in Jersey City. <i>Source: OneCPD Resource Exchange: Environmental Assessment Factors Guidance. Driving distances measured using Google Maps.</i>
• Emergency Medical	1	Jersey City Medical Center is located less than one mile from the project site at 355 Grand Street, Jersey City. <i>Source: OneCPD Resource Exchange: Environmental Assessment Factors Guidance. Driving distances measured using Google Maps.</i>
Parks, Open Space & Recreation: • Open Space	1	Lafayette Park and Arlington Park are both located 0.15 miles from the project site and offer passive recreation. Liberty State Park is located 0.5 miles to the southeast of the site. <i>Source: OneCPD Resource Exchange: Environmental Assessment Factors Guidance. Driving distances measured using Google Maps.</i>
• Recreation	1	Lincoln Park is located approximately one mile northwest of the project site and offers recreation opportunities such as tennis, football, soccer and baseball facilities. Other sports-oriented recreational facilities, such as Gateway Field located at Grand and Merseles Streets, also exist within one mile of the site. <i>Source: OneCPD Resource Exchange: Environmental Assessment Factors Guidance; Google Maps.</i>
• Cultural Facilities	1	The New York Chinese Cultural Center is located 4 miles from the project site at 390 Broadway, New York. <i>Source: OneCPD Resource Exchange: Environmental Assessment Factors Guidance; Google Maps.</i>



Transportation & Accessibility	1	<p>NJ Transit bus #6 stops at the corner of Bramhall and Garfield Avenues at the project site. Additionally, the Hudson-Bergen light rail line maintains a station at Garfield Avenue at the south west corner of the project site.</p> <p><i>Source: OneCPD Resource Exchange: Environmental Assessment Factors Guidance; Google Maps.</i></p>
<b>Natural Features</b>		
Water Resources	1	<p>Light-Non-Aqueous Phase Liquid (LNAPL) has been identified in groundwater at approximately 8.5 to 12-feet below ground surface (bgs) on a portion of the property. For construction purposes, groundwater encountered with LNAPL (&gt;0.01 feet) will be recovered and disposed of at a permitted facility. It should be noted that currently the Applicant’s environmental consulting firm, Dresdner Robin, is performing LNAPL recovery from a source area monitoring well on a weekly to monthly basis, as necessary.</p> <p><i>Source: NCR39562_RemediationResponse.pdf</i></p>
Surface Water	1	<p>The proposed project is located in an urban area, with no natural surfaces waters occurring in the area.</p> <p><i>Source: Project mapping; NJDEP HUD Environmental Review GIS Tool 2.1</i></p>
Unique Natural Features & Agricultural Lands	1	<p>The proposed project is not located upon agricultural land.</p> <p><i>Source: Part I Statutory Checklist; NJDEP HUD Environmental Review GIS Tool 2.1</i></p>
Vegetation and Wildlife	1	<p>Initial screening identified the potential for presence of the Northern Long-Eared Bat on the project site. Following consultation with the New Jersey division of Fish and Wildlife Endangered and Nongame Species Program, it was determined that the project would not affect Northern Long-Eared Bat populations based on the fact that, while the project may require limited clearing of trees, the extent of mature woody vegetation on site is quite limited and does not appear suitable for Northern Long-Eared Bats. Therefore no bat species are expected to be present. This project may commence without concern regarding “take” of Northern Long-Eared Bats.</p> <p><i>Source: Part I Statutory Checklist; NJDEP HUD Environmental Review GIS Tool 2.1; NRC39562_ENSP_Response.pdf</i></p>



**PART III: 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)]

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: NJDEP HUD Environmental Review GIS Tool 2.1  
(See NCR39562 AirportClearZoneMap.pdf)

[Project complies with 24 CFR 51.303(a)(3).]

**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: Coastal Barrier Resources System (CBRS), USFWS, 2010  
(See NCR39562 CoastalBarrierResourcesActMap.pdf)

[Proceed with project.]

**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: See NCR39562 FloodplainManagementMap.pdf  
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.**

## **Summary of Findings and Conclusions**

**Additional Studies Performed:** (List the reports, studies, or analyses performed for this assessment, and attach studies or summaries.)

**Field Inspection** (Date and completed by): William Oakes, September 19, 2014

### **List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:**

Project applicant: Benjamin Delisle, Director of Development, Jersey City Redevelopment Agency  
Atalaya Armstrong, NJDEP, State Historic Preservation Office  
Ryan J. Anderson, NJDEP, Bureau of Coastal Regulation, Division of Land Use Regulation  
Larry Miller, NJDEP, Office of Natural Lands Management, Natural Heritage Program  
William Lindner, NJDEP, Office of Brownfield Reuse  
John Heilferty, NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program  
Jerri Weigand, NJDEP, Sandy Recovery Environmental Review Program  
Jersey City Department of Public Works

**Lists of Permits Required:** None determined at this time. Local permits may be required.

### **Public Outreach [24 CFR 50.23 & 58.43]:**

Public outreach was conducted, including an Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain. A triple-combined Final Floodplain Notice, Public Notice of Finding of No Significant Impact, and Notice of Intent to Request Release of Funds will be published in both English and Spanish in the sources as directed.

### **Cumulative Impact Analysis [24 CFR 58.32]:**

The cumulative impact of the proposed development would not be significant. The surrounding area is already urbanized and the site has been previously disturbed.

### **Project Alternatives Considered [24 CFR 58.40(e), 40 CFR 1508.9]:**

Other than the no-action alternative, no other project alternatives were considered.

### **No Action Alternative [24 CFR 58.40(e)]:**

Under the no action alternative, the park would not be constructed. The lots would remain in their current state and no redevelopment or revitalization would occur.

### **Summary Statement of Findings and Conclusions:**

Based upon completing this EA, environmental review of the proposed project indicates that the Applicant's property is an active, in-compliance NJDEP Contaminated site. The NJDEP has determined that contamination discharged at the HUD Applicant's property has impacted soil but the future use of the property is restricted to be maintained as open space. A Deed Notice will be implemented at the site which addresses soil contamination that remains on the property. Free product recovery has impacted groundwater on a limited portion of the property. Under NJDEP Guidelines, free product cannot remain in groundwater on the property. Ongoing free product recovery is being conducted by the Applicant's LSRP on a limited portion of the property.

There is no intent to leave free product on the property and there are no vapor intrusion concerns due to groundwater contamination since no permanent, inhabitable structures are planned for the park.

The proposed project has been reviewed and it is the finding of this environmental assessment that upon compliance with the requirements for continued remediation of the previous site contamination the federal action of releasing funding to aid this project will not have a significant impact on the quality of the human environment.

**Required Mitigation and Project Modification Measures:** [24 CFR 58.40(d), 40 CFR 1505.2(c), 40 CFR 1508.20]

The Applicant's property has been issued a "Conditional Clearance" by NJDEP. In order to maintain this "Conditional Clearance", the following NJDEP documents must be reviewed prior to construction, and complied with during construction, to ensure potential hazardous conditions on the Applicant's property are understood and mitigated:

- Conditional Clearance Email
- HUD Toxics Clearance Spreadsheet
- Draft Deed Notice (draft date 02/12/2014)
- Free Product / Contaminant Discovery Guidance at HUD Funded Projects: Applicant #NCR39562

There is currently one structure on the site where lead based paint or asbestos containing building materials may be an issue, Property #11. This property represents a removable portion of the planned recreational development, as it is unknown at this time whether the property will be acquired and if federal funding will be used. It is being reviewed in this ERR because its acquisition would be a different phase of the greater project scope. Should the procurement of federal funding be applied to Property #11, the property would be incorporated into the project and require asbestos and lead-based paint assessments. 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.
- 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).

All activities must comply 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.