

**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, Richard Constable III, Commissioner

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

**or** \_\_\_\_\_  
City of Pleasantville Main Street Streetscape Improvement Plan  
(Business/Corporate Name)

**Project Location:** \_\_\_\_\_  
Main Street from Ansley Boulevard to US Route 40/322  
(Street Address)

\_\_\_\_\_ Pleasantville Atlantic New Jersey  
(Municipality) (County) (State)

\_\_\_\_\_ Along Public Right-of-Way (Main Street)  
(Block) (Lot)

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**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.)

The following mitigation measures are required as conditions for approval of the project:

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 (<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.

#### Hazardous Materials

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

#### Historic Preservation

14. Individual tree plantings shall be spaced every 50 feet and result in less than four (4) feet of horizontal ground disturbance.

**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)).

**CERTIFICATIONS:**

Beth Williams, Tetra Tech

Preparer Name and Agency



Preparer Signature

March 30, 2015

Preparer Completion Date

RE Certifying Officer Name

RE Certifying Officer Name

RE Certifying Officer Name

**Funding Information:**

| Grant Number    | HUD Program   | Funding Amount |
|-----------------|---|----------------|
| B-13-DS-34-0001 | Neighborhood and Community Revitalization (NCR) Streetscape | \$474,214      |

**Estimated Total HUD Funded Amount:** \$474,214

**Estimated Total Project Cost [24 CFR 58.32(d)]:** (HUD and non-HUD funds)  
\$474,214

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

The proposed project would assist the community in the recovery from Superstorm Sandy and includes streetscape along Main Street, from US Route 40/322 to Ansley Boulevard, in Pleasantville, a Bayfront mainland community in Atlantic County. This section of the Pleasantville Central Business District (CBD) has witnessed a renaissance with the reconstruction of a Dunkin Donuts at the southwest corner of US Route 40/322 and Main Street; a new supermarket (La Cosecha) at the southeast corner of Decatur Avenue and Main Street; and a new restaurant (Mambo Café) at the northeast corner of Decatur Avenue and Main Street. Other developments are planned for this area, and the City wishes to stimulate more activity by constructing various streetscape improvements.

The Lakes Bay section of the City along with the Downtown area was flooded by Superstorm Sandy. A total of 715 insurance claims were filled in the City of Pleasantville, and \$4,210,000 in losses have been paid as of September 1, 2013. The State of New Jersey has allocated \$75 million of CDBG-DR funds for the Neighborhood and Community Revitalization (NCR) Program. The NCR is designed to support the long-term recovery of small businesses and communities by funding long-term economic revitalization priorities. It also supports projects that retain or hire new employees thus contributing to the State’s economy. Pleasantville is located in one of the nine most storm-impacted counties and is a storm-impacted municipality with established traditional business districts. In addition, Pleasantville has a commercial district that is integrated within its residential neighborhoods. The purpose of the streetscape improvements is to restore the appearance and appeal of the Pleasantville Central Business District through the replacement of existing curbing and sidewalks with new curbing and decorative sidewalks along Main Street from US Route 40/322 to Ansley Boulevard, which would complement streetscape improvements completed north of US Route 40/322 along Main Street. The proposed project is needed to address damage from Superstorm Sandy, in particular to a business district that experienced flooding and wind damage.

**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 proposed action involves streetscape improvements along Main Street from Ansley Boulevard to US Route 40/322 in the City of Pleasantville, Atlantic County, New Jersey. Streetscape improvements consist of the removal of existing sidewalk and curbing and installing new curbing and decorative sidewalks that complement the streetscape improvements that exist north of US Route 40/322. Brick crosswalks and ADA compliant ramps will be provided. Way-finding signage will also be provided to promote the presence of the nearby Bus Terminal. The current sidewalks on Main Street, a County Road (CR 585), are ten feet wide and are in need of replacement or in some areas, are non-existent. As a result of this grant, these sidewalks will be completely replaced and will provide improved access for residents of all ages

and abilities. ADA-compliant ramps will be installed along with clearly designated crosswalks. These improvements will not only provide for a safe pedestrian connection to the Bus Station but also to the Downtown Shopping, Washington Street School, City Hall, Police Station, Fire Station, and neighborhoods to the north of US Route 40/322. The planned walkway connects areas of the downtown, Main Street Elementary School and neighborhoods to the south, with the Bus Terminal (see NCR40440\_NJDEPEnvironmentalHistoricPreservationApp and NCR40440\_RutalaProjectDescription).

**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  |
|--|-------------------------------------|--------------------------|---|
|  | A                                   | B                        |   |
| <p><b>1. Air Quality</b><br/>[Clean Air Act, as amended, particularly sections 176(c) &amp; (d), and 40 CFR 6, 51, 93]</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>The proposed project is in compliance. Of the applicable activities, it involves major rehabilitation but not acquisition of undeveloped land, change of land use, demolition, or new construction.</p> <p>According to the U.S. Environmental Protection Agency (USEPA), Atlantic County has been designated a nonattainment or maintenance area for three National Ambient Air Quality Standards (NAAQS) (see NCR40440_USEPANonAttainmentMaintenanceforNAAQS):</p> <ul style="list-style-type: none"> <li>• a moderate nonattainment area for 8-hour ozone (1997 Standard)</li> <li>• a marginal nonattainment area for 8-hour ozone (2008 Standard)</li> <li>• a non-classified maintenance area for carbon monoxide (1971 Standard)</li> </ul> <p>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.</p> <p>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.</p> <p>In addition, the NJDEP Bureau of Air Quality has determined that streetscape projects and other similar projects are below the de minimis levels for ozone and particulate matter (PM2.5) in Federal General Conformity regulation (40 CFR 93.153(b)(1) Applicability), therefore, the CDBG-DR is presumed to conform and a conformity determination is not required (see NCR40440_NJDEPBAQPStreetscapeDetermination).</p> <p>The Division of Air Quality (DAQ) has revised the General Conformity</p> |

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|  |                                     |                          | <p>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 January 23, 2014 (see NCR40440_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 well below the Federal General Conformity regulation's de minimis thresholds and are presented to conform to the State Implementation Plan (SIP).</p> <p>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, and implementation of all reasonable measures to mitigate dust and fugitive emissions from demolition and construction.</p>   |
| <p><b>2. Airport Hazards</b><br/>(Clear Zones and Accident Potential Zones)<br/>[24 CFR 51D]</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>The proposed project is in compliance. Of the applicable activities, it involves major rehabilitation but not acquisition for construction, change in land use, increase in density, or new construction.</p> <p>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)). 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 90 miles to the northeast of the project location, and Atlantic City International Airport is located approximately 4 miles to the northwest of the project location (see NCR40440_AirportHazardsMap).</p> <p>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</p> |

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|  |                                     |                          | approximately 43 miles northeast of the proposed project location (see NCR40440_AirportHazardsMap).   |
| <b>3. Coastal Zone Management</b><br>[Coastal Zone Management Act sections 307(c) & (d)] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>The proposed project is in compliance. Of the applicable activities, it involves major rehabilitation but not acquisition of undeveloped land, change of land use, or new construction.</p> <p>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 NCR40440_CoastalZoneManagementMap). However, the NJDEP Division of Land Use Regulation (DLUR) has determined that the action does not require permits under the Coastal Permit Program and that no additional consultation or approval is required (see NCR40440_DLURCoastalJurisdictionalDetermination). In addition, DLUR determined that the project is presumed to be consistent with the New Jersey Coastal Zone Management Program and a Water Quality Certificate is authorized.</p> <p>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 NCR40440_CoastalZoneManagementMap).</p>  |
| <b>4. Contamination and Toxic Substances</b><br>[24 CFR 50.3(i) & 58.5(i)(2)]            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>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.</p> <p>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.</p> <p>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 within the 3,000-foot radius of any “threatening” sites (see NCR40440_ContaminationandToxicSubstancesMap).</p> <p>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.</p> <p>The site reconnaissance performed on February 19, 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</p> |

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|  |                                     |                          | <p>NCR40440_ContaminationandToxicSubstancesMap).</p> <p>All solid waste materials must be managed and transported in accordance with the state’s solid and hazardous waste rules.</p> <p><u>Asbestos</u></p> <p>Because this project involves streetscape improvements not involving structures (curbing and sidewalk replacement), asbestos is not a potential concern for the project.</p> <p><u>Lead</u></p> <p>Because this project involves streetscape improvements not involving structures (curbing and sidewalk replacement), lead-based paint is not a potential concern for the project.</p> <p><u>Radon</u></p> <p>No testing or mitigation is required for structures that are in areas with ranks of Tier 3 or Tier 2. The project is located in a Tier 3 area and involves streetscape improvements not involving structures for human habitation (curbing and sidewalk replacement); therefore, no radon testing or mitigation is required (see NCR40440_RadonPotentialMap).</p>  |
| <p><b>5. Endangered Species</b><br/>[Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>The proposed project is in compliance. Of the applicable activities, it involves major rehabilitation but not demolition, new construction, acquisition of undeveloped land, or change of land use.</p> <p>The environmental review considered potential impacts of the HUD-assisted project to threatened and endangered (T&amp;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&amp;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.</p> <p>The NJDEP ArcGIS Screening Tool Centroid layer was not referenced for documented federally and state-listed T&amp;E species on the project site as the project involves a paved public right-of-way and centroid data is not available for such parcels. Review of the individual NJDEP HUD Environmental Review Tool layers for piping plover, red knot and bats (northern long-eared bat) indicate that piping plover, red knots and bats are not present on the project site or immediately surrounding properties (see NCR40440_EndangeredSpeciesMap).</p> <p>Consultation with the NJDEP State Forestry Services – Natural Heritage Program (NHP) determined that no rare plant species, ecological communities or rare wildlife species or wildlife habitat are documented on the proposed project site or within the immediate vicinity (one quarter mile) of the proposed project (see NCR40440_NJDEPNaturalHeritageProgramResponse). As a result, coordination with the NJDEP Division of Fish and Wildlife, Endangered</p> |

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|   |                                     |                          | <p>Species Program (ENSP) was not required.</p> <p>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 (see attached file NCR40440_IPaCResults). Results of this screening indicate that no critical habitats are located on the project site or in the project vicinity. Based on the review using the NJDEP’s HUD Environmental Review Tool for endangered species, consultation with NHP, and the proposed project activity (streetscape improvements), the project will have no effect on these species. In addition, the IPaC tool identified 27 migratory birds on or within the vicinity of the proposed project site. Because tree cutting and vegetation removal are not part of the proposed project activity (streetscape improvements), the project will not affect migratory birds.</p>  |
| <p><b>6. Environmental Justice</b><br/>[Executive Order 12898]</p>                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>The proposed project is in compliance. Of the applicable activities, it involves major rehabilitation but not acquisition, change of land use, demolition, new construction, or an adverse impact or condition with respect to an environmental issue.</p> <p>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 ranging from approximately 40 percent to 100 percent and populations below poverty level ranging from approximately 20 percent to 30 percent (see NCR40440_EnvironmentalJusticeMap PercentMinority and NCR40440_EnvironmentalJusticeMapPercentBelowPoverty).</p> <p>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 NCR40440_EnvironmentalJusticeChecklist).</p> |
| <p><b>7. Explosive and Flammable Operations</b><br/>[24 CFR 51C]</p>                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>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.</p> <p>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 this proposed streetscape improvement project is not required to apply the acceptable separation distance (ASD) standards in 24 CFR Part 51C because it does not involve residential units and would not increase the number of people exposed to hazardous operations.</p>   |

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| <p><b>8. Farmland Protection</b><br/>[Farmland Protection Policy Act of 1981, particularly sections 1504(b) &amp; 1541; 7 CFR 658]</p>    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <p>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.</p> <p>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) but does include farmland of statewide importance (see NCR40440_FarmlandProtectionMap). Review of Pleasantville Municipal Zoning Boundaries Map dated December 2011 indicated that the property involved in the proposed project is zoned Single Family – 7,500 square feet Residential (R-75). Therefore, the property involved in the proposed project consists of “land already in or committed to urban development” within the meaning of 7 CFR 658.2(a), and is therefore not farmland for the purposes of the Farmland Protection Policy Act (see NCR40440_PleasantvilleMunicipalZoningMap).</p>  |
| <p><b>9. Floodplain Management</b><br/>[24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <p>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.</p> <p>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 with the Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) layer applied. Per the NJDEP’s HUD Environmental Review Tool, it has been determined that the entire proposed action is not in a 100-year floodplain (A and V zones) or a floodway. The FEMA Preliminary FIRMs layer is the first “best available information” in the screening tool (see NCR40440_FloodplainManagementMap).</p> <p>Per the FEMA National Flood Insurance Program FIRM Map for City of Pleasantville, New Jersey, Atlantic County, Panel 4 of 5, Community-Panel Number 340015 0004 B, dated January 19, 1983, the proposed project is not located within the 100-year floodplain but within Zone C, identified as areas of minimal flooding (see NCR40440_FIRM3400150004B). NFIP flood insurance is not required as the project activity involves improvements to public infrastructure.</p> <p>Per DLUR, a Flood Hazard Area permit is not required for the proposed project as the project will not take place within a floodplain pursuant to the Flood Hazard Area Control Act rules N.J.A.C. 7:13-1.1 (see NCR404440_DLURFloodHazardAreaDetermination).</p> |
| <p><b>10. Historic Preservation</b><br/>[National Historic Preservation Act of 1966, particularly sections 106 &amp; 110; 36 CFR 800]</p> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <p>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.</p> <p>The project involves replacement of existing sidewalks, crosswalks, and</p>  |

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|  |                                     |                          | <p>adjoining street paving along a two-block section of South Main Street and other minor repairs and improvements to existing sidewalk, street, and drainage infrastructure in that area. The project area is not located in a historic district, but is situated in a New Jersey Historic Preservation Office (HPO) archeological sensitivity grid square. Consultation comments on this project pursuant to 36 CFR 800 were provided by HPO on March 11, 2015 (HPO Project No. 15-1694 / Log No. C2015-052). HPO concurred that the project is not situated within any identified or potential historic district and does not affect streetscape elements that appear to be individually eligible for the National Register of Historic Places (NRHP). However, HPO expressed concern that the project is situated at a location that was historically documented to contain pre-contact Native American archeological deposits. HPO therefore reached a finding of Conditional No Adverse Effect provided that the final project design limit ground disturbances resulting from any tree planting undertaken as part of this project to openings of less than 4 feet at 50-foot intervals. This condition is included as a mitigation measure required for approval of the project. Incorporation of this condition into the project design will therefore keep the project in compliance with Section 106 of the National Historic Preservation Act (NHPA) and related laws and regulations. See NCR40440_SHPOResponse.</p> |
| <p><b>11. Noise Abatement and Control</b><br/>[Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>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.</p> <p>Per HUD directive, 24 C.F.R. Part 51B is not applicable to a disaster recovery program, including reconstruction, rehabilitation, elevation 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 project involves improvements to public infrastructure and would improve the streetscape along Main Street substantially as it existed prior to Superstorm Sandy.</p>  |
| <p><b>12. Sole Source Aquifers</b><br/>[Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>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.</p> <p>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 New Jersey Coastal Plain aquifer system underlies the proposed project site (see NCR40440_SoleSourceAquifersMap).</p> <p>A 1996 letter from USEPA to HUD regarding project requiring sole source aquifer review by USEPA (see NCR40440_USEPASoleSourceAquiferReviewofHUDProjects) states that the following activities would not create a significant hazard to public</p>   |

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|--|-------------------------------------|--------------------------|---|
|  |                                     |                          | <p>health and are therefore generally excluded from sole source aquifer review:</p> <ul style="list-style-type: none"> <li>rehabilitations or improvements to infrastructure already in place, such as water and sewer line replacement, fire hydrant installations, curb cuts, building renovations that do not involve significant expansion, street light and sign installment, road repavement, etc.</li> </ul> <p>This compliance finding is supported by the fact that streetscape improvement projects are not listed on the EPA Region 2's Sole Source Aquifer webpage as a significant pollution source for NJ Coastal Plain Aquifer (see <a href="http://www.epa.gov/region02/water/aquifer/coast/coastpln.htm">http://www.epa.gov/region02/water/aquifer/coast/coastpln.htm</a>). In addition, the proposed activity will not change the amount of impervious surface present at the project location.</p>               |
| <p><b>13. Wetlands Protection</b><br/>[24 CFR 55, Executive Order 11990, particularly sections 2 &amp; 5]</p>                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>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.</p> <p>A review of the NJDEP HUD Environmental Review Tool indicated that no coastal or freshwater wetlands are present on or adjacent to the proposed project site (see NCR40440_WetlandsProtection Map).</p> <p>Per DLUR, a Coastal Wetlands permit is not required for the proposed project as it will not impact freshwater wetlands and associated transition areas regulated under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A (see NCR404440_DLURCoastalWetlandsJurisdictionalDetermination).</p>  |
| <p><b>14. Wild and Scenic Rivers</b><br/>[Wild and Scenic Rivers Act of 1968, particularly section 7(b) &amp; (c); 36 CFR 297]</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>The proposed project is in compliance Of the applicable activities, it involves major rehabilitation but not acquisition of undeveloped land, change in land use, or new construction.</p> <p>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 Great Egg Harbor River, is located approximately 2 miles to the southwest of the proposed project site (see NCR40440_WildandScenicRiversMap). Therefore, the project is not located within ¼ mile of a Wild and Scenic River stream bank, is not within a one-mile radius of a designated Wild and Scenic River, and would not affect Wild and Scenic Rivers.</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:

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. Documentation supporting this finding is presented as NCR40440\_AirportHazardsMap.

[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:

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 NCR40440\_USFWSCoastalBarriersResourcesMap.

[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:

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 not located in a 100-year floodplain 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 NCR40440\_FloodplainManagementMap.

[Proceed with project.]

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

4. 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.

Because this is a streetscape project, no flood insurance is required.

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

## **Summary of Findings and Conclusions**

### **Field Inspection** (Date and completed by):

Field inspection conducted on February 19, 2015, by Tom Flis, Tetra Tech.

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

Based upon completion of this environmental review of the proposed project, 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.

**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.)

The following mitigation measures are required as conditions for approval of the project:

#### 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 (<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.

#### Hazardous Materials

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

#### Historic Preservation

14. Individual tree plantings shall be spaced every 50 feet and result in less than four (4) feet of horizontal ground disturbance.