

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: William (First) Ryan (Last)

-or- _____ (Business/Corporate Name)

Project Location: 2 South Montgomery Avenue, Apt 1 (Street Address)

 Atlantic City (Municipality) Atlantic (County) NJ (State)

 213 (Block) 7 (Lot)

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

General

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

Noise

1. *Outfit all equipment with operating mufflers.*
2. *Comply with the applicable local noise ordinance.*

Air Quality

Project activities must meet the regulatory requirements of New Jersey's Air Rules and Air Pollution Controls (see RRE0006556MF_AirQualityMemo). In addition, the following must be met:

1. *Use water or chemical dust suppressant in exposed areas to control dust.*
2. *Cover the load compartments of trucks hauling dust-generating materials.*
3. *Wash heavy trucks and construction vehicles before they leave the site.*
4. *Reduce vehicle speed on non-paved areas and keep paved areas clean.*
5. *Retrofit older equipment with pollution controls.*
6. *Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.*
7. *Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.*
8. *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).
9. 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).
 10. 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).
 11. Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.

Floodplain Management and Flood Insurance

1. All structures funded by the CDBG-DR programs, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. This means no funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.
2. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

Energy Efficiency

All reconstruction, new construction and rehabilitation projects in the HUD CDBG programs must be designed to incorporate principles of sustainability, including water and energy efficiency, resilience and mitigation of the impact of future disasters.

Hazardous Waste

Lead-Based Paint (LBP) and Asbestos-Containing Materials (ACM) surveys that were previously conducted in association with this application identified these materials at the property. The reports state that all work must incorporate the use of Certified Asbestos and Lead Abatement Contractors. The reports also state that disturbed painted surfaces must be addressed using lead-safe practices and specialized cleaning using lead safe work practice is required once rehabilitation is complete. Should future renovations encounter previously unidentified LBP and/or ACM, they would need to be managed in accordance with all applicable federal, state and local regulations. Please refer to the following documents within the "Applicant Documents" folder:

[RRE0006556_DSW_XCTMT_ASSESSMENT_2014-10-03_17-10-11_869.pdf](#)

[RRE0006556_DSW_XCTMT_ASSESSMENT_2014-12-02_18-04-23_113.pdf](#)

[RRE0006556_DSW_XCTMT_ASSESSMENT_2015-01-16_15-27-18_323.pdf](#)

In addition, the following must be met:

1. *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.*
2. *All work must incorporate the use of Certified Asbestos and Lead Abatement Contractors.*
3. *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).*
4. *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.*

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 project is a rehabilitation of a single 337-square foot unit (approximately 0.009 acres) within an 8-unit residential building built in 1923 (see "RRE0006556MF_Tax Card.pdf"). The project will repair flood-related damages incurred as a result of Superstorm Sandy. The work is limited to interior repairs including repairs to drywall, fixtures, cabinets, floors, electrical, plumbing, and HVAC elements. No repairs are proposed exterior to the unit. For a complete list of damages and proposed repairs, see "RRE0006556_06556_RYAN_ECR_Full ECR Report.pdf" and "RRE0006556_06556_RYAN_WIP_Full WIP Report.pdf" within the "Applicant Documents" folder within the "RRE0006556MF_SupportingDocuments" folder.

According to the damage assessment (see above) the estimated work-in-progress repairs is \$3,579.01 and the estimated cost of repair is \$37,610.52. The overall funding being sought is \$41,189.53. The Form 6 states that the FEMA estimated home value is \$70,077.15. There are 8 units in the building, therefore the building is valued at approximately \$560,617.20. Based on this total estimated value of the building, the cost to repair one unit is approximately 7% of the value of the building. The cost to repair is less than 50% of the value of the building; therefore, the project is not classified as a substantial rehabilitation (i.e., elevation is not required).

Please note: The subject building is an apartment building with multiple owners. As a result, each unit has an individual PAMS Pin ID. The tax assessment for the subject unit as identified in the NJ County Tax Board Website (see "RRE0006556MF_Tax Card.pdf") identifies the subject unit as Lot 7. In the NJDEP GIS maps, Lot 7 is displayed as the overall site parcel for the building (outlined in red). The individual apartment unit tax parcels are shown within this parcel and are outlined in blue (see RRE0006556MF_SiteLocationMap).

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>1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is in compliance. According to the Department of Environmental Protection Division of Air Quality Memorandum dated January 23, 2014, the General Conformity Rule would apply to this project in Atlantic County as the county is in nonattainment for certain National Ambient Air Quality Standards (NAAQS) and construction activities continue to remain well below the Federal General Conformity regulation’s <i>de minimis</i> thresholds and are presumed to conform to the State Implementation Plan (SIP) (see RRE0006556MF_AirQualityMemo).</p> <p>Atlantic County is shown as being designated a nonattainment or maintenance area for the following NAAQS pollutants (see RRE0006556MF_AirQualityMap):</p> <ul style="list-style-type: none"> • Nonattainment area for 8 hour Ozone standard of 0.08 ppm (1997 standard) • Nonattainment area for 8 hour Ozone standard of 0.075 ppm (2008 standard) • Maintenance area for 8-hour Carbon Monoxide standard of 9ppm <p>Project activities must meet the regulatory requirements of New Jersey’s Air Rules and Air Pollution Controls (see RRE0006556MF_AirQualityMemo). The project will involve rehabilitation of the residence. Temporary impacts to air quality may occur during construction; however, no long-term impacts to air quality are anticipated. The temporary impacts can be mitigated through Best Management Practices (BMPs) including the usage of water or chemical dust suppressant, covering load compartments of trucks carrying dust-generating material, and retrofitting older equipment with pollution controls.</p>
<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Atlantic City International Airport is located approximately 8.4 miles to the northwest of the project. Newark Liberty International Airport is located approximately 97 miles to the north of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 45.5</p>

		<p>miles north of the project. The project is not within 15,000 feet of a military air field or 2,500 feet from the end of a civilian airport runway. The project is therefore not within an Airport Clear Zone or Accident Potential Zone (see RRE0006556MF_AirportHazardsMap).</p>
<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The property is located entirely within the Coastal Area Facilities Review Act (CAFRA) area; however, the project is a rehabilitation of a residential unit (within the existing footprint) and is therefore not regulated per NJAC 7:7-2.1. Therefore, no CAFRA permits are required. In addition, no work will be conducted at or below the mean high water line (MHWL); therefore, no Waterfront Development Permits are required. Furthermore, no coastal wetlands were identified in proximity to the site; therefore, no coastal wetland permits are required (see RRE0006556MF_CoastalZoneManagementActMapCAFRA).</p> <p>In addition, based on NJDEP Division of Land Use Regulation (DLUR) guidance, the DLUR does not need to review projects involving single units within multi-unit buildings that do not require elevation. Therefore, no jurisdictional determination was obtained from DLUR (see "Env Review Guidance - Categorical Exclusions.pdf" within the DLUR directory within the Correspondence folder of the Supporting Documents portion of the ERR).</p>
<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The property is not within 3,000 feet of a mapped toxic or hazardous waste site (see RRE0006556MF_ToxicHazardousandRadioactiveSubstancesMap) and no indications of contamination were observed during the site reconnaissance.</p> <p>According to tax records, the property was constructed in 1923 (see RRE0006556MF_Tax Card). This is prior to 1980 (for ACM concerns) and 1978 (for LBP concerns); therefore, LBP and ACM represent a concern. LBP and ACM surveys that were previously conducted in association with this application identified these materials at the property. The reports state that all work must incorporate the use of Certified Asbestos and Lead Abatement Contractors. The reports also state that disturbed painted surfaces must be addressed using lead-safe practices and specialized cleaning using lead safe work practice is required once rehabilitation is complete. Should future renovations encounter previously unidentified LBP and/or ACM, they would need to be managed in accordance with all applicable federal, state and local regulations. Please refer to the following documents within the "Applicant Documents" folder:</p> <p>RRE0006556_DSW_XCTMT_ASSESSMENT_2014-10-03_17-10-11_869.pdf RRE0006556_DSW_XCTMT_ASSESSMENT_2014-12-02_18-04-23_113.pdf RRE0006556_DSW_XCTMT_ASSESSMENT_2015-01-16_15-27-18_323.pdf</p> <p>The property is located within a Tier 3 Low Radon Potential zone (see RRE0006556MF_RadonMap and http://www.nj.gov/dep/rpp/radon/radonin.htm) therefore, further assessment regarding indoor radon is not required.</p>
<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>According to the NJDEP ArcGIS tool, the property is not within or proximal to any mapped buffer areas or habitats for threatened and endangered species (see RRE0006556MF_EndangeredSpeciesMap and</p>

			<p>RRE0006556MF_EndangeredSpeciesCendroidMap). Based on this, and the proposed scope of work (i.e., interior repairs within the existing footprint of development), the proposed project is not anticipated to impact any recognized threatened or endangered species. Since the project does not involve substantial rehabilitation, per page 24 of NJDEP’s “Environmental Review Guidance” document, dated November 3, 2014, the project type (rehabilitation) does not meet the applicability threshold for consultation; therefore no consultation with the NHP, US Fish and Wildlife Service (USFWS) or the NJDEP Division of Fish and Wildlife Endangered and Nongame Species Program (ENSP) is required.</p>
<p>6. Environmental Justice [Executive Order 12898]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The subject property’s census block contains between 40% and 100% minority populations. In addition, the population of the subject parcel’s census tract is shown as between 0 and 10% below poverty. See RRE0006556MF_EJMinorityMap, RRE0006556MF_EJPovertyMap and RRE0006556MF_EJChecklist. Based on the scope, the project is not anticipated to have an adverse impact on environmental justice populations. In fact, the project is anticipated to have a short-term benefit to these populations by providing an increased demand for construction-related jobs during the construction phase of the project.</p>
<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project will rehabilitate the existing residence, and will not increase the density of development (i.e., will not add to the number of units). Therefore, the project is in compliance with the requirements of 24 CFR Part 51C.</p>
<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is not within mapped areas of prime farmland and will not involve the conversion of agricultural land into non-agricultural uses. Therefore, there will be no impact to farmland. See RRE0006556MF_FarmlandProtectionSoilsMap.</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The project is located within the AE flood zone, which is defined as areas within the 100-year flood zone with base flood elevations (BFE) established (see RRE0006556MF_FloodplainMgmtandFloodInsuranceNFIPNotInFloodway). Note, the AE flood zone is a subset of the A zone, as shown on the GIS map. All structures funded by the CDBG-DR programs, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. This means no funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.</p> <p>Since the entire property is within the floodplain, no practicable alternatives to locating within the floodplain were identified, and a 5-step decision-making process was conducted as outlined in 24 CFR 55. The project is a rehabilitation of a single residence within a multi-unit building. The residence itself was not substantially damaged (see “Description of Proposed Project” section above); therefore, per 24 CFR 55.12(a)(3), public notification of the proposed activity (Step 2), identification and evaluation of practicable alternatives (Step 3) and the determination of no practicable alternative and publication of a final notice (Step 7) of the 8-Step Floodplain process do not need to be conducted.</p>

			<p>Steps 1, 4, 5 and 6 have been conducted (see RRE0006556MF_HUD 5-Step). Steps 2, 3 and 7 are not required (see previous paragraph). Step 8 will consist of the implementation of the proposed action. Implementation may require local and state permits, which could place additional design modifications or mitigation requirements on the project.</p> <p>A copy of the 5-step analysis can be found in the supporting documentation (see folder "5Step").</p> <p>Per 24 CFR 55.12(a)(3), since the proposed project involves only minor, interior rehabilitation to the existing multifamily housing, no alternative beyond the No Action alternative was considered.</p>
<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is not within a Historic Property Exemption Zone "Green Zone" (see RRE0006556MF_HistoricPreservationExemptionZoneMap). In fact, the property is located within and is itself a contributing resource to the National Register (NR) eligible Ventnor Avenue Residential Historic District, as shown on the GIS map. However, a review of the proposed undertaking determined that the intended repairs are allowable under May 2013 Programmatic Agreement allowances III.A.1 through III.A.4, and III.B1 through III.B.2 (Pgs. 38 and 39). Also, since recent upgrades to the unit prior to Superstorm Sandy removed interior historic fabric, "In-Kind" repairs are not required for repairs within this residential unit as no historic fabric exists. No elevation is associated with this undertaking and no ground disturbance outside of the area of existing disturbed soils will occur. The property is not within the Historic Archaeological Site Grid, and is located on a barrier island. Consultation with the New Jersey Historic Preservation Office (NJHPO) stated a finding of No Historic Properties Affected. The NJHPO concurred with these findings on February 18, 2015 (see RRE0006556MF_SHPO Response).</p>
<p>11. Noise Abatement and Control [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>Day/Night Noise Level (DNL) standards are applicable to projects "providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development" (24 CFR 51.101(a)(3)). The proposed project is a residence, which is considered a noise sensitive use; however, per HUD and NJDEP guidance, projects in the RREM and LRRP programs are exempt from DNL noise standards as long as they do not involve new construction. The project is a rehabilitation of the existing residence; therefore the DNL noise standards are not applicable.</p>
<p>12. Sole Source Aquifers [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 property is identified within an area underlain by the Coastal Plain Sole Source Aquifer (SSA, see RRE0006556MF_SoleSourceAquiferMap); however, the project involves rehabilitation of the existing residence within its existing footprint, and will not increase impervious cover on the property. In addition, the property is serviced by municipal water and sewer (Atlantic City Municipal Water Authority and the Atlantic County Utilities Authority). Therefore, the property is in compliance and consultation with the USEPA Region 2 is not required (see "RRE0006556MF_EPA_SSA_Memo").</p>

<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>No mapped wetlands are located within 150 feet of the project site (see RRE0006556MF_WetlandProtectionMap) and no wetlands were observed in the vicinity of the site during the site reconnaissance. Therefore, the project will not impact wetlands.</p>
<p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The Wild and Scenic Rivers Act of 1968 protects selected rivers in a free-flowing condition (16 U.S.C. 1271) and prohibits federal support for activities that would harm a designated river's free-flowing condition, water quality, or outstanding resource values.</p> <p>Five designated Wild and Scenic rivers are located within the State of New Jersey: the Delaware (Lower) River, Delaware (Middle) River, Great Egg Harbor River, Maurice River and the Musconetcong River. The nearest Wild and Scenic River is the Great Egg Harbor River; however, the property is approximately 5 miles to the east of the river's buffer area (see RRE0006556MF_WildandScenicRiverMap). Since the property is not within one quarter mile of a Wild and Scenic River stream bank, nor within a one-mile radius of a designated Wild and Scenic River, consultation with the National Park Service is not required.</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.** *Atlantic City International Airport is located approximately 8.4 miles to the northwest of the project. Newark Liberty International Airport is located approximately 97 miles to the north of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 45.5 miles north of the project. The project is not within 15,000 feet of a military air field or 2,500 feet from the end of a civilian airport runway. The project is therefore not within an Airport Clear Zone or Accident Potential Zone (see RRE0006556MF_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. Therefore, no project activities would occur on designated coastal barriers or in "otherwise protected areas," and the proposed project would have no impact on coastal barrier resources. The nearest CBRS unit is NJ-07P. The buffer area for this unit is located approximately 6.4 miles to the north (see RRE0006556MF_CoastalBarrierResourceActMap).* [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 RRE0006556MF_FloodplainMgmtandFloodInsuranceNFIPNotInFloodway*
- 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

Field Inspection (Date and completed by): *February 2, 2015; conducted by Scott Wieczorek, Cultural Resources Specialist, and Charles Darden, Archaeologist.*

Summary Statement of Findings and Conclusions: *Based on the findings of this environmental review, the proposed project will have a net benefit on the project area.*

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

General

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

Noise

1. *Outfit all equipment with operating mufflers.*
2. *Comply with the applicable local noise ordinance.*

Air Quality

Project activities must meet the regulatory requirements of New Jersey's Air Rules and Air Pollution Controls (see RRE0006556MF_AirQualityMemo). In addition, the following must be met:

1. *Use water or chemical dust suppressant in exposed areas to control dust.*
2. *Cover the load compartments of trucks hauling dust-generating materials.*
3. *Wash heavy trucks and construction vehicles before they leave the site.*
4. *Reduce vehicle speed on non-paved areas and keep paved areas clean.*
5. *Retrofit older equipment with pollution controls.*
6. *Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.*
7. *Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.*
8. *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).*

9. *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).*
10. *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).*
11. *Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.*

Floodplain Management and Flood Insurance

1. *All structures funded by the CDBG-DR programs, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. This means no funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.*
2. *No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].*

Energy Efficiency

All reconstruction, new construction and rehabilitation projects in the HUD CDBG programs must be designed to incorporate principles of sustainability, including water and energy efficiency, resilience and mitigation of the impact of future disasters.

Hazardous Waste

LBP and ACM surveys that were previously conducted in association with this application identified these materials at the property. The reports state that all work must incorporate the use of Certified Asbestos and Lead Abatement Contractors. The reports also state that disturbed painted surfaces must be addressed using lead-safe practices and specialized cleaning using lead safe work practice is required once rehabilitation is complete. Should future renovations encounter previously unidentified LBP and/or ACM, they would need to be managed in accordance with all applicable federal, state and local regulations. Please refer to the following documents within the “Applicant Documents” folder:

RRE0006556_DSW_XCTMT_ASSESSMENT_2014-10-03_17-10-11_869.pdf

RRE0006556_DSW_XCTMT_ASSESSMENT_2014-12-02_18-04-23_113.pdf

RRE0006556_DSW_XCTMT_ASSESSMENT_2015-01-16_15-27-18_323.pdf

In addition, the following must be met:

1. *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.*
2. *All work must incorporate the use of Certified Asbestos and Lead Abatement Contractors.*

3. *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).*
4. *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.*