

**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:** Bunkhirt (First) Cheng (Last)

-or- \_\_\_\_\_ (Business/Corporate Name)

**Project Location:** 11 Hackensack Plank Road (Street Address)

Weehawken (Municipality) Hudson (County) New Jersey (State)

5 (Block) 1.17 (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.)

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.

Floodplain Management and Flood Insurance

3. All proposed reconstruction, substantial improvements, and elevation activities in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13).
4. All structures funded by the RREM Program if in, or partially in, the 100-year floodplain shown on the effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), 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)].
5. 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)].

### Air Quality

6. Use water or chemical dust suppressant in exposed areas to control dust
7. Cover the load compartments of trucks hauling dust-generating materials
8. Wash heavy trucks and construction vehicles before they leave the site
9. Reduce vehicle speed on non-paved areas and keep paved areas clean
10. Retrofit older equipment with pollution controls
11. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction
12. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material
13. 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).(Note: One or two family dwellings and dwellings of six or less family units, one of which is owner occupied, are exempt pursuant to NJSA 26:2C-9.2.)
14. 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).
15. 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).
16. 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

17. 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).

**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:**

Matthew Adelson, Tetra Tech Inc.  
Preparer Name and Agency

  
Preparer Signature

January 26, 2015  
Preparer Completion Date

RE Certifying Officer Name

RE Certifying Officer Signature

RE CO Signature Date

**Funding Information:**

Grant Number	HUD Program	Funding Amount
B-13-DS-34-0001	NJ Reconstruction, Rehabilitation, Elevation, and Mitigation (RREM) Program	\$8,150.58

**Estimated Total HUD Funded Amount:**

The estimated total HUD funded amount is \$8,150.58

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

The estimated total cost of the project is \$8,150.58.

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

The purpose of this project is the rehabilitation of a multi-family house located in the Township of Weehawken, New Jersey, Hudson County. Through the RREM Program, the owner of the multi-family house plans on rehabilitating the multi-family home from damages sustained by Superstorm Sandy. The storm significantly impacted the waterfront areas of Weehawken with storm surge and flooding, wind damage and

coastal erosion. The proposed project is needed to repair damage to the housing unit that occurred as a result of Superstorm Sandy.

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

The proposed project approved by the New Jersey Department of Community Affairs (DCA) and HUD is to repair direct physical damages as a result of the storm dated October 29, 2012, or as required by HUD housing quality standards. The project is listed as a rehabilitation of a 2,160 square-foot multi-family home, which includes construction of and repairs to the three bedrooms, four bathrooms, the garage, hallways, ceilings and floors, and rear deck of the home. The multi-family home is comprised of one unit attached to multiple other units on both sides of the structure. The 0.0496-acre home was built in 2002 (based on review of historic aerial photographs), and the scope of the project is considered minor rehabilitation, as the rehabilitation cost of repairs to the unit is less than 50% of the pre-storm damage market value for the entire building (\$293,085.86).

The improvements to the interior of the home include repairing and replacing smoke detectors and carbon monoxide detectors on all three floors, the flooring and ceilings on all three floors, as well as replacing an exterior metal door with insulation. Bathroom 1 requires a new shower base (fiberglass), resetting the shower door, a new outlet, and repairing and replacing the bathroom ventilation fan, light, heater, toilet, and plumbing fixture supply line. Bedroom 1 requires a new ceiling fan and light, light switch, and 110 volt copper wiring run and box replacement. Bathroom 2 requires a new outlet and repairing and replacing the bathroom ventilation fan, light, heater, toilet, and plumbing fixture supply line. Bedroom 2 requires a new ceiling fan and light, light switch, and 110 volt copper wiring run and box replacement. Bathroom 3 requires a new outlet and repairing and replacing the bathroom ventilation fan, light, heater, toilet, and plumbing fixture supply line. Bedroom 3 requires a new ceiling fan and light, light switch, and 110 volt copper wiring run and box replacement. Bathroom 4 requires a new outlet and repairing and replacing the bathroom ventilation fan, light, heater, toilet, and plumbing fixture supply line. The garage requires a new telephone backerboard.

The total project cost for the rehabilitation to the Weehawken multi-family home is \$8,150.58.

**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> [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. It does not involve any of the applicable activities: acquisition of undeveloped land, change of land use, demolition, major rehabilitation or new construction.</p> <p>According to the U.S. Environmental Protection Agency (USEPA), Hudson County has been designated a nonattainment or maintenance area for five National Ambient Air Quality Standard (NAAQS) pollutants:</p> <ul style="list-style-type: none"> <li>• a moderate attainment area for 8-hour ozone (1997 Standard)</li> <li>• a marginal attainment area for 8-hour ozone (2008 Standard)</li> <li>• a moderate (&gt;12.7 parts per million) maintenance area for carbon monoxide</li> <li>• a maintenance area for particulate matter (PM<sub>2.5</sub>) (2006 Standard)</li> <li>• a maintenance area for particulate matter (PM<sub>2.5</sub>) (1997 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 park. 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. See RRE0021449MF_USEPA_NonAttainment_MaintenanceforNAAQS_RREM_TO138.</p> <p>The Division of Air Quality (DAQ) has revised the General Conformity Applicability Analysis for the DCA, HUD Community Development Block Grant for Disaster Recovery (CDBG-DR) for the Hurricane Sandy recovery efforts according to a memorandum from the DAQ dated</p>

		<p>January 23, 2014 (see RRE0021449MF_RevisedGeneralConformityApplicability_RREM_TO138). 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, implementation of all reasonable measures to mitigate dust and fugitive emissions from demolition and construction.</p>
<p><b>2. Airport Hazards</b> (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition for construction, change of land use, increase in density, major rehabilitation 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. There are no civil airport runway protection zones in Hudson County. Newark Liberty International Airport is located approximately 7 miles to the southwest of the project location, and Atlantic City International Airport is located approximately 94 miles to the south of the project location (see RRE0021449MF_AirportHazardsMap_RREM_TO138).</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 approximately 50 miles from the proposed project (see RRE0021449MF_AirportHazardsMap_RREM_TO138).</p>

<p><b>3. Coastal Zone Management</b> [Coastal Zone Management Act sections 307(c) &amp; (d)]</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, major rehabilitation or new construction.</p> <p>Per the NJDEP’s HUD Environmental Review Tool, the proposed project is not located within the Coastal Area Facility Review Act (CAFRA) zone, the Upland Waterfront Development area, or the New Jersey Meadowlands District (see RRE0021449MF_CoastalZoneManagementMap_RREM_TO138), and permits pursuant to these applicable statures are not required. Therefore, it is not necessary to consult with the Division of Land Use Regulation (DLUR).</p>
<p><b>4. Contamination and Toxic Substances</b> [24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/> <p>The proposed project is in compliance. Of the applicable activities, it involves rehabilitation, but not acquisition, change of use to residential, demolition, leasing, or new construction.</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 location of proposed project activities is within the 3,000-foot radius of three (3) “threatening” sites (see RRE0021449MF_ContaminationandToxicSubstancesMap_RREM_TO138).</p> <p>The parcel is within the 3,000 foot radius of these three (3) “threatening” sites:</p> <ul style="list-style-type: none"> <li>• 1404 Central Avenue (Site ID 387049)</li> <li>• Willow Sunoco Service Station (Site ID 7544)</li> <li>• 1040 Grand Street Assoc. (Site ID 7562)</li> </ul> <p>The three sites listed above were reviewed by NJDEP, which found these sites to be in substantial compliance with NJDEP regulations and therefore considered under control. No other investigations are required, and the analysis is concluded (see RRE0021449MF_NJDEP_Response_RREM_TO138; project application is listed as “RRE0021449MF” and the Pams_Pin is identified as 0911_5_1).</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 December 4, 2014 revealed no visible recognized environmental conditions (RECs) in the vicinity of</p>

		<p>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 RRE0021449MF_ContaminationandToxicSubstancesMap_RREM_TO138).</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>Lead-Based Paint</u> The multi-family house located at 11 Hackensack Plank Road in Weehawken, New Jersey was constructed in 2002 according to NJDEP intake data as well as Google Earth imagery; because the structure was constructed after 1978, lead-based paint is not expected to be present and is not a potential concern.</p> <p><u>Asbestos</u> The multi-family house located at 11 Hackensack Plank Road in Weehawken, New Jersey was constructed in 2002 according to NJDEP intake data as well as Google Earth imagery; because the structure was constructed after 1980, asbestos is not expected to be present and is not a potential concern.</p> <p>In addition, a limited inspection for asbestos-containing materials (ACM) was conducted by PARS Environmental, Inc. (PARS) on October 13, 2014. At the time of inspection, PARS did not visually identify any suspect asbestos-containing materials; therefore, no bulk samples were collected. A note from the inspector indicated that no apparent evidence of a health hazard to the occupants related to suspect ACM was found in the area surveyed (see RRE0021449MF_LimitedAsbestosInspectionReport_RREM_TO138).</p> <p><u>Radon</u> No testing or mitigation is required for projects involving structures that are in areas with ranks of Tier 3 or Tier 2. The project location in question is located in a Tier 2 area, and therefore no radon testing or mitigation is required (See RRE0021449MF_RadonPotentialMap_RREM_TO138).</p>
<p><b>5. Endangered Species</b> [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: demolition, major rehabilitation, new construction, acquisition of undeveloped land, or change in land use.</p> <p>The environmental review considered potential impacts of the HUD-assisted proposed project to threatened and endangered (T&amp;E) species and, for listed animal species, their critical habitats. The review evaluated potential impacts not only to listed, but also to any proposed or candidate endangered or threatened species and critical habitats. Projects that affect T&amp;E species or their 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 project can be listed as having “no effect”, as there is no potential to affect federally or state-listed T&amp;E species based on a review of the NJDEP’s HUD Environmental Review Tool. The NJDEP ArcGIS Screening Tool Centroid layer indicates that no federally or state-listed T&amp;E</p>



		<p>species are documented on the subject property. Review of the individual Environmental Review Tool layers for piping plover, red knot and bats (northern long-eared bat) indicate that none of the species are present on the subject property or immediately surrounding properties (see RRE0021449MF_EndangeredSpeciesMap_RREM_TO138).</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; however three (3) foraging habitats and one migration corridor habitat are documented within the immediate vicinity (one quarter mile) of the project location (see RRE0021449MF_NJDEP_NaturalHeritageProgramResponse_RREM_TO138). Consequently, the proposed project would have no effect on federally or state-listed plant species. A review of the subject parcel’s HUD Parcel-Centroids layer for state-listed animal species indicates that no state-listed animal species are associated with the proposed project parcel; therefore, coordination with the NJDEP Division of Fish and Wildlife, Endangered Species Program (ENSP) was not necessary (see RRE0021449MF_EndangeredSpeciesMap_TO138).</p> <p>The USFWS IPaC landscape explorer tool was used to generate a list of any possibly federally listed plants species in the project vicinity. Results of this screening indicate that no federally listed plants species are located in the project vicinity. The tool did identify 28 migratory birds within the vicinity of the project. Because tree cutting and vegetation removal are not part of the proposed action (rehabilitation), the project will not affect migratory birds (see RRE0021449MF_USFWS_IPaC_Results_RREM_TO138).</p>
<p><b>6. Environmental Justice</b> [Executive Order 12898]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition, change of land use, demolition, major rehabilitation, or new construction.</p> <p>The project area covers Census blocks that include environmental justice communities. The project area contains Census tracts and blocks with low to moderate environmental justice communities, i.e., minority populations ranging from approximately 40 percent to 100 percent and populations below poverty level ranging from approximately 0 percent to 10 percent (see RRE0021449MF_EnvironmentalJusticeMap_PercentMinority_RREM_TO138 and RRE0021449MF_EnvironmentalJusticeMap_PercentBelowPoverty_RREM_TO138)</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. Thus, the project would not generate disproportionately high and adverse environmental impacts on environmental justice communities (see RRE0021449MF_EnvironmentalJusticeChecklist_RREM_TO138).</p>
<p><b>7. Explosive and Flammable Operations</b> [24 CFR 51C]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<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</p>

		<p>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 grants to reconstruct, rehabilitate, elevate, or mitigate housing that existed prior to the disaster is not required to apply the acceptable separation distance (ASD) standards in 24 CFR Part 51C where the number of dwelling units is not increased and the activities are limited to the existing footprint. As a result of the project’s proposed action (rehabilitation without elevation), the number of dwelling units would not increase and activities would be limited to the existing footprint of the damaged unit.</p>
<p><b>8. Farmland Protection</b> [Farmland Protection Policy Act of 1981, particularly sections 1504(b) &amp; 1541; 7 CFR 658]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: acquisition of undeveloped land, conversion of undeveloped land, site clearance or new construction.</p> <p>According to NJDEP’s HUD Environmental Review Tool, the proposed project is not within areas identified as being prime farmland. Therefore, the proposed project will not adversely impact soils of importance to farmland (see RRE0021449MF_FarmlandProtectionMap_RREM_TO138).</p>
<p><b>9. Floodplain Management</b> [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<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. Per the screening tool, it has been determined that the entire proposed action is located in a 100-year floodplain, i.e., Zone AE, with the FEMA Preliminary FIRMs layer applied. The FEMA Preliminary FIRMs layer is the first “best available information” in the screening tool. The property is within Zone AE with a base flood elevation (BFE) of 11 feet (see RRE0021449MF_FloodplainManagementMap_RREM_TO138 and RRE0021449MF_5-StepFloodplainAnalysis_RREM_TO138).</p> <p>The proposed action involves the rehabilitation of a single residential unit within a multifamily structure. Because the unit is located in a multifamily structure, the structure, and hence the residential unit subject to the proposed action, will not be elevated (see RRE0021449MF_Floodplain_Letter_RREM_TO138). A 5-step floodplain analysis was conducted to determine whether the proposed project would have adverse effects on the floodplain. The results of the 5-step floodplain analysis indicate that there are no practicable alternatives to the proposed project (see RRE0021449MF_5-StepFloodplainAnalysis_RREM_TO138).</p> <p>NJDEP DLUR was consulted to determine if a Flood Hazard Area permit would be required from the state in order for the proposed project to be in compliance. On December 12, 2014, Ryan Anderson, Supervising Environmental Specialist with DLUR stated that rehabilitation projects without elevation do not require Flood Hazard Area permits from the State as internal construction and minor external construction (roofing/siding) are not regulated. Mr. Anderson indicated that the State would only take jurisdiction if</p>

			external construction were to occur (elevating/reconstruction) (see RRE0021449MF_NJDEP_DLUR_JurisdictionalDetermination_12-12-14_RREM_TO138).
<b>10. Historic Preservation</b> [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project is in compliance. Of the applicable activities, it involves rehabilitation and repair, but not new construction, acquisition, demolition, disposition or ground disturbance.  The proposed project is not located entirely within a mapped “green zone” (See RRE0021449MF_HistoricPreservationMap_RREM_TO138). Two Secretary of the Interior Qualified Professionals, Christopher L. Borstel, Ph.D. (for archeology) and James C. Sexton (for historic architecture), conducted a review of the proposed project and determined that the property meets Programmatic Agreement Appendix B Tier II Allowance VII.A.1 for both above- and below-ground historic resources, as the building is less than 48 years old at the time of review, the property is located in a densely-developed urban setting, it is not situated in a historic district or archeology sensitivity grid square, and it occupies less than 0.25 acre. The subject building referenced by the proposed project was built in 2002 (based on review of historic aerial photographs) and is approximately 0.0496 acres in size (See RRE0021449MF_Tax_Card_RREM_TO138).
<b>11. Noise Abatement and Control</b> [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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. or reconstruction or rehabilitation projects where residential density is being increased.  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 rehabilitation of the residential structure without increasing the existing footprint would restore housing substantially as it existed prior to Superstorm Sandy.
<b>12. Sole Source Aquifers</b> [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project is in compliance. It does not involve any of the applicable activities: new construction, acquisition of undeveloped land or change of land use.  Review of the NJDEP’s HUD Environmental Review Tool indicated that the proposed project is not located in an area of a sole-source aquifer (see RRE0021449MF_SoleSourceAquifersMap_RREM_TO138). Furthermore, the proposed action is not a regulated activity within the boundaries of a sole source aquifer (e.g., single or multi-unit housing developments that will use existing public water and sewer). Therefore, this project meets the 1996 EPA exemption criteria as defined by HUD and EPA consultation/review is not required (see RRE0021449MF_USEPA_SoleSourceAquiferReviewofHUDProjects_RREM_TO138).
<b>13. Wetlands Protection</b> [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project is in compliance. It does not involve any of the applicable activities: new construction, acquisition of undeveloped land, change of land use, or reconstruction on an expanded building

		<p>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 RRE0021449MF_WetlandsProtection Map_RREM_TO138).</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><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is in compliance. It does not involve any of the applicable activities: new construction, major rehabilitation, acquisition of undeveloped land, or change in land use.</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. There are no Wild and Scenic Rivers in Hudson County, and the nearest river is the Musconetcong River, located in Hunterdon and Warren Counties, approximately 40 miles to the west of the proposed project location (see RRE0021449MF_WildandScenicRiversMap_RREM_TO138). 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>

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## **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 proposed 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. See attached file RRE0021449MF\_AirportHazardsMap\_RREM\_TO138.

[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: There are nine designated units of the Coastal Barrier Resources System in New Jersey, all of which 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. See attached file RRE0021449MF\_USFWSCoastalBarrierResources\_RREM\_TO138.

[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: \_\_\_\_\_

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[Proceed with project.]

- Yes.** Cite or attach Source Documentation: The presence of a Special Flood Hazard Area (100-year floodplain, zones A or V) was determined by using NJDEP’s HUD Environmental Review Tool. It has been determined that the entire proposed action is located in a 100-year floodplain, i.e., zone AE, with the FEMA Preliminary FIRMs layer applied. The FEMA Preliminary FIRMs layer is the first “best available information” in the screening tool. See attached file RRE0021449MF\_FloodplainManagementMap\_RREM\_TO138.

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):

Mr. Matt Adelson, Tetra Tech, performed the site reconnaissance on December 4, 2014.

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

The proposed activity complies with environmental requirements for funding. The following mitigation measures are recommended to minimize any potential adverse environmental impacts and to ensure compliance is maintained.

**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 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.

#### Floodplain Management and Flood Insurance

3. All proposed reconstruction, substantial improvements, and elevation activities in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13).
4. All structures funded by the RREM Program if in, or partially in, the 100-year floodplain shown on the effective FEMA FIRM, 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)].
5. 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)].

#### Air Quality

6. Use water or chemical dust suppressant in exposed areas to control dust
7. Cover the load compartments of trucks hauling dust-generating materials

8. Wash heavy trucks and construction vehicles before they leave the site
9. Reduce vehicle speed on non-paved areas and keep paved areas clean
10. Retrofit older equipment with pollution controls
11. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction
12. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material
13. 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:
  - e. 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);
  - f. 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);
  - g. 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
  - h. 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).  
(Note: One or two family dwellings and dwellings of six or less family units, one of which is owner occupied, are exempt pursuant to NJSA 26:2C-9.2.)
14. 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).
15. 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).
16. 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

17. 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).