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**Subject:** Updates -  
**Date:** Tuesday, April 08, 2014 2:54:43 PM  
**Attachments:** [Memo 1996-EPA-Sole Source Aquifer review of HUD Projects.pdf](#)  
**Importance:** High

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Dear All,

I am pleased to let you know that ICFI has been awarded the contract as the Program Manager Contractor and that the contract is now in effect. DEP will be meeting with the ICFI team throughout the week to familiarize them with our environmental review program. ICFI will also be setting up meetings with each of you individually either later this week or early next week to become familiarize with your processes. I appreciate your cooperation in making yourselves available and working with ICFI to achieve our shared goals.

The quality and timeliness of the environmental reviews is our # 1 goal. As such, DEP continues to work with HUD to streamline the environmental reviews as appropriate. Below are some areas where we have received HUD authorization to that will facilitate the EA and CESTs reviews.

- 1) **Sole Source Aquifers** – HUD has endorsed that the 1999 EPA exemption criteria is applicable under the following circumstances:
  - a. For new construction or rehabilitation projects that rely on municipal public water and sewer as funded via CDBG-DR will not require consultation from the EPA for Region 2 as long as their threshold criteria per EPA guidance memos for Regions 1 - 3 (Region 2 policy memos that I have filed) are not exceeded. For these activities (1) impervious surface coverage that does not exceed 75% and (2) there is no significant BMPS runoff, **will not require EPA consultation/review.**
- 2) **Lead - CEST projects convert to exempt** that pertain to the State's LRRP and NEP CDBG-DR funded programs per the following conditions:

When lead based paint is the only health and safety hazard to be abated in accordance with the LSHR per 24 CFR Part 35, Subparts B-R prior to C/O when there are no other regulatory compliance concerns per HUD's related Federal laws and authorities § 58.5 regulation.

The compliance requirements under 24 CFR Part 35 as administered via OHHLHC for lead-based paint will be satisfied prior to project completion, as the same standard pertains to Toxic mold and potential ACM's.

The abatement of Pb and ACM's for SF rehab activities, are not directly addressed under CAA-NESHAP which is a law and authority under § 58.5 or § 58.5 (i) (2), but still

needs to conform with 24 CFR Part 35 under the enforcement of the OHHLHC.

The justification for converting to Exempt (per 58.34 (a) (12)) when lead is the only factor is that lead based paint impacts are pursuant to 24 CFR Part 35 as enforced within the Office of Healthy Homes division. Lead based paint that is to be assessed and mitigated accordingly by a State licensed abatement contractor particularly when the heavy metal-toxin possess a threat to the health and safety of our occupants and/or children under the age of six (6), is subject to NJDOH guidelines, permits and OHHLHR-24 CFR Part 35 regulations.

- 3) **Lead and Asbestos** - In terms of lead and asbestos we received approval from HUD last week that the lead and asbestos assessment does not need to be done for us to finalize the ERR. **THIS WILL APPLY FOR RESIDENTIAL STRUCTURES.** SBL Projects will require assessment as EDA prefers that the assessment be completed as part of the environmental reviews.

Instead, the ERR would indicate that there is the potential for lead (pre-1978) and asbestos then assessment would have to be determined in compliance with applicable federal, state and local laws and removal of lead and asbestos according to federal, state and local laws. I believe this would be consistent with the language that is in the Tier 1 and 2 conditions for lead and asbestos.

- 4) **Radon** – Please see attached. For a structure that ranks as a Tier 3 or Tier 2 no testing or mitigation is required. The language in the ERR would indicate that it is within one of these two tiers as indicated on the radon map and that no radon testing or mitigation is required for these Tiers. Attach the radon attachment as part of the ERR.

I anticipate that there will be other potential efficiencies that will come out of our meeting with ICFI and you. Going forward, ICFI will be responsible for consolidating these various guidance's and other protocols and communicating them to you.

Donna Mahon, Director ,NJDEP  
Sandy Recovery Environmental and Historic Preservation Review Program  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

August 13, 1996

Mr. William Skwersky  
Environmental Protection Specialist  
HUD-PA State Office  
Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107

REC'D BY: \_\_\_\_\_  
AUG 16 2 03 PM '96

Subject: EPA Sole Source Aquifer Review of HUD Projects

Dear Mr. Skwersky:

Thank you for your call yesterday, as we briefly discussed what HUD projects EPA would review if located within a Sole Source Aquifer (SSA). The following guidelines should help you in determining which projects EPA is interested in reviewing under the SSA program, and which projects are not subject to review.

A project is considered for EPA SSA review if all three of the following questions can be answered with "yes":

- (1) is the project/action located in an area designated as a Sole Source Aquifer
- (2) is the project/action partially federally funded, and
- (3) does the project/action have the potential to create a 'significant hazard to public health' by adversely impacting ground water either during construction or after completion and facility is in operation.

To assist you in evaluating question # 3, EPA considers the following projects to NOT pose a significant hazard to public health, and therefore are generally excluded from SSA review.

- (1) in urbanized areas (e.g., Philadelphia, PA and Wilmington, DE, etc.), single or multi-unit housing developments, community centers and schools that will use existing public water and sewer.
- (2) rehabilitations or improvements to infrastructure already in place, such as water and sewer line replacement, fire hydrant installations, curb cuts, building renovations that don't involve significant expansion, street light and sign installment, road repavement, etc.
- (3) individual loans/mortgages/grants made to homes/homeowners.
- (4) properties sold by the federal government.

Attachment 11

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Projects that EPA will review under the SSA program are:

- (1) any facility that will store, transport, generate or use hazardous substances on site.
- (2) projects requiring new wastewater and sanitary sewer facilities.
- (3) projects at sites where past incidences of contamination are known to have occurred.
- (4) projects in suburban and country areas that will require substantial creation of impervious surfaces, such as parking lots, rest areas, roadways, etc.
- (5) facilities that will have on-site underground/above ground storage tanks.
- (6) facilities in unsewered areas that will require a septic system that will serve 50 or more people.
- (7) projects requiring an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA).
- (8) projects that may impact wetlands or other critical habitat such as areas with threatened, rare or endangered species.
- (9) projects requiring the addition or deletion of water in large quantities from the aquifer due to major changes in surface drainage patterns or withdrawal from the aquifer.
- (10) solid waste disposal sites
- (11) new airports or expansion, such as runway extensions
- (12) energy related projects

If it is unclear whether the proposed project/action will significantly impact the aquifer, feel free to consult with EPA on whether the project should be evaluated for impacts.

The list of projects EPA will review includes non-HUD projects in case you want to share this list with other agencies that you work with that may have questions about SSA review.

If you have any questions in the future, please call me at (215) 566-5786.

Sincerely,



Barbara Smith  
SSA Project Manager