

**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: DC Plastic Products, LLC (Business/Corporate Name)

Project Location: 70-86 Hobart Street (Street Address)

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

359 (Block) 10 (Lot)

Conditions for Approval:

(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:

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.

Hazardous/Toxics Materials:

In order to be awarded the CDBG-DR Stronger NJ Business Loan Program grant, a check written to NJDEP for LSRP fees must be received by NJDEP. Additionally, proof of commencement of RI activities must be submitted.

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).

Lead Based Paint

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.

Asbestos:

The property owner will engage the services of a New Jersey licensed firm that specializes in ACBM removal prior to any renovations occurring. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the 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 at 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.

Air Quality Permits:

Be advised that to operate current on-site equipment, two separate air permits will be required; one permit will be required for the extruder and pneumatic conveyance equipment and one permit is needed for the on-site storage silos. Additionally, any additional applicable equipment for this project, under N.J.A.C 7:27 subchapter 8, will require an air permit.

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:

Morgan Richardson, URS
Preparer Name and Agency


Preparer Signature

12/29/2014
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	New Jersey Economic Development Authority: Stronger NJ Business Loan Program	\$4,300,000

Estimated Total HUD Funded Amount:

The Total HUD Funded Amount is \$4,300,000.

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

The total project costs amount to \$5,632,830. The New Jersey Economic Development Authority (EDA) is funding \$4,300,000, with a remaining \$1,332,830 in private funding.

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

Early on October 29, 2012, Sandy made landfall near Brigantine, New Jersey, just to the northeast of Atlantic City, as a post-tropical cyclone with hurricane-force winds causing widespread damage and extensive flooding. In the wake of the hurricane, a winter storm swept into the area, exaggerating the damage and dramatically hindering emergency response and eventual disaster recovery efforts. Hurricane Sandy (unofficially known as "Superstorm Sandy") was the deadliest and most destructive hurricane of the 2012 Atlantic hurricane season, as well as the second-costliest hurricane in United States history. The Stronger New Jersey Business Loan Program was developed by the Economic Development Authority to support long-term recovery of small businesses and communities by funding long-term economic revitalizing priorities. Funding under the SBL program is intended to assist with projects throughout New Jersey, focusing on those located in one of the nine "most impacted" counties as determined by HUD.

The project will contribute to the revitalization of the Municipality of Bayonne in Hudson County (one of the nine disaster-declared counties) by providing much needed repairs and equipment to DC Plastic Products, LLC. The primary goals of this project are to address storm-related damage to the manufacturing facility in addition to purchasing new equipment and machinery in order to restore the production capabilities of the manufacturer, and allow the applicant to return their staffing to pre-storm levels.

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 will involve the rehabilitation of a manufacturing facility which will include the purchase of new equipment and machinery. The facility is a manufacturing facility that produces polyethylene bags, liners, and film; the proposed actions will not alter the type of manufacturing facility. However, the purchase of new equipment will serve to upgrade and expand the current production capabilities by fifteen percent. The equipment to be purchased includes two Blown-Film Plastic Extruders, one Drawtape Bag Converting Machine, and one Rotary Bag Converting Machine with necessary accessories. The 6.8 acre manufacturing facility is located at 70-86 Hobart Street, Bayonne, New Jersey. A date of construction for the buildings was not listed on the Hudson County property records (see SBL39430TaxCard). According to a review of historic aerial imagery, the buildings were constructed between 1931 and 1954 (see SBL39430DEPForm2URSSubmission). There are two structures on-site: a one-story storage structure and a two-story manufacturing structure which is divided into four adjacent buildings. The tax record lists Superior Manufacturing Property Management (MPM), LLC as the owner of the property (see SBL39430TaxCard). However, the project applicant, DC Plastics, is currently leasing the subject property. Most damage reported was associated with flood- and wind-related

events. Exterior repairs will include replacement of roofs, windows, several exterior wall repairs, fencing, and siding damaged by Hurricane Sandy. Several repairs stem from damage to the sprinkler heads and piping which resulted in leaking damaging building contents, machinery, and equipment. The primary goals of this project are to address storm-related damage to the manufacturing facility in addition to purchasing new equipment and machinery to restore and modestly expand the production capabilities of the manufacturer.

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 U.S. EPA, Hudson County is designated as Nonattainment or Maintenance for 5 NAAQS Pollutants (see SBL39430AirQuality), including:</p> <ul style="list-style-type: none"> • 8-Hour Ozone (1997 Standards) • 8-Hour Ozone (2008 Standards) • Carbon Monoxide (1971 Standards) • PM-2.5 (1997 Standards) • PM-2.5 (2006 Standards) <p>While Hudson County is also identified as being within a 1-hour ozone nonattainment area, all 1-hour ozone areas were revoked as of June 15, 2005, and as such are excluded from the pollutant count on the NAAQS map (SBL39430AirQuality). Therefore, a general conformity analysis in accordance with the Clean Air Act and 40 CFR Part 93, Subpart B was completed. However, according to the Department of Environmental Protection Division of Air Quality, the revised estimated air emissions (which take into account both residential and commercial construction activities) continue to remain well below the Federal General Conformity regulation’s de minimis thresholds and are presumed to conform to the State Implementation Plan (SIP) (see SBL39430AirQualityAssessmentMemo). Additionally, temporary air quality impacts associated with construction will be mitigated to the greatest extent feasible and will adhere to all local and state air quality standards. All activities must still meet the State’s Air Pollution Control</p>

			<p>requirements.</p> <p>Activities including operation of the on-site equipment and restoration of the proposed action site to pre-disaster production capacity will require two separate air quality permits; one permit will be required for the extruder and pneumatic conveyance equipment and one permit is needed for the on-site storage silos. The purchase and operation of any additional equipment will be cause for obtaining additional air quality permits (See SBL39430 ExplanationOfNJDEPSiteVisit1.15.15). Therefore, any necessary air pollution control permit to construct or certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c) should be acquired.</p> <p>Sources: CAA 176(c) & (d); SBL39430AirQuality; SBL39430AirQualityAssessmentMemo</p>
<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed action is in compliance. 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)). The only New Jersey airports, within the nine counties most impacted by Superstorm Sandy, 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. The runway protection zones associated with Newark Liberty International Airport and Atlantic City International Airport are located approximately 3.1 miles and 85 miles (respectively) from the proposed project site, and therefore are not applicable to the proposed project. 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), which extend up to 15,000 feet (about 2.8 miles) from the end of the runway. 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 nearest applicable clear zones and accidental potential zones</p>

		<p>at the Lakehurst Naval Air Station are located approximately 41 miles from the proposed project site, and therefore are not applicable to the proposed project (see SBL39430AirportClearZonesMap).</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 proposed project site is in compliance. The project site is not located in any Coastal Zone boundaries. Therefore, rehabilitation of a manufacturing facility is not a regulated activity and is consistent with New Jersey’s Coastal Zone Management Program (see SBL39430CoastalZoneManagementActMap).</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><u>Toxics:</u></p> <p>The proposed project action is in compliance. The site is currently being used as a plastics manufacturing facility. Site reconnaissance noted the presence of five gallon containers of ammonia and water based ink (photograph 0901_359_10_EA_Details_1), six transformers in good condition (three shown in photograph 0901_359_10_EA_Details_3), a dumpster located on the southern portion of the property (photograph 0901_359_10_EA_Details_6), and a trash compactor located on the southern portion of the property (photograph 0901_359_10_EA_Details_7). The five gallon containers, the transformers, the dumpster and the compactor all appear to be in good condition with no leaks observed. Site reconnaissance also noted a drainage grate on the south side of the property (photograph 0901_359_10_EA_Rec_1); a decommissioned and abandoned 18,000 gallon (thought by applicant to be 25,000 gallons) underground storage tank (UST) (photograph 0901_359_10_EA_Rec_5) that was closed-in-place and filled with concrete on April 7, 1999 (see SBL39430USTReport01.14.14); two 55-gallon drums containing gear oil (photographs 0901_359_10_EA_Rec_7 and 0901_359_10_EA_Rec_9); multiple small propane tanks, an upside down bucket, and a large pile of wood pallets (photograph 0901_359_10_EA_Rec_8); and several old dispensing pipes currently not in use, but were previously used for soaps and lotions, which the owner noted may have previously been used for antifreeze (photograph 0901_359_10_EA_Rec_2). However, there is not currently any antifreeze present at the site. Site photos show overgrown vegetation on the property (photograph 0901_359_10_EA_Yard_1). There are no signs of stressed vegetation or contamination in the area surrounding the</p>

		<p>drainage grate, the abandoned and filled UST, the exposed pipes, the 55-gallon drums, the propane tanks, the bucket, the wood pallets, and the overgrown vegetation. Additionally, a plastic manufacturing odor was identified on-site; however, this should not be considered out of the ordinary because the site produces plastic and garbage bags. Nothing mentioned above appears to pose a threat or hazard to the subject property or the employees who will work on-site or in the vicinity of the property. See SBL39430FieldAssessment for above referenced photographs and site reconnaissance information, and SBL39430SiteReconQuestionnaire10.07.14 for additional site reconnaissance information.</p> <p>As a result of past land use and previous activities on site, oil and groundwater contamination were determined to be present at the subject property (owned by Superior MPM) where DC Plastic Products, LLC is located (see SBL39430USTReport01.14.14). Based on remediation issues, the proposed project site was out of compliance until December 2013 when Whitestone Associates, Inc. was hired as a Licensed Site Remediation Professional (LSRP) firm to assist in submitting a loan application and package for the Hazardous Discharge Site Remediation Fund (HDSRF) loan for the remedial investigation (RI) and remedial action (RA) for the site. The HDSRF loan, recommended for approval from NJDEP on May 28, 2014 (see SBL39430ToxicCompliance Info12.12.14), involved specific steps in the RI that is outlined by the Office of Brownfields Reuse. As part of the loan approval conditions and to bring the project site back into compliance, Superior MPM was required to hire an LSRP and provide documentation that the remedial investigation has commenced, such as a signed contract with an LSRP or invoices for some of the RI activities. A check dated December 19, 2014, written to NJDEP in the amount of \$8,055 for payment of past-due fees for the LSRP is attached (see SBL39430ToxicCheckToDEP12.19.14 and SBL39430ToxicDCPlasticMemo). In order to be awarded the CDBG-DR Stronger NJ Business Loan Program grant, this payment must be received by NJDEP. Additionally, proof of commencement of RI activities as mentioned above must be provided (see SBL39430ToxicSuperiorMPM12.18.14). According to the NJEMS database, RI activities must be completed and the report submitted by May 7, 2016 (see</p>
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		<p>SBL39430ToxicOutOfComplianceStatus12.16.14).</p> <p>The parcel IS within 3,000 feet of New York; however the NJDEP states “In cases where a surface water body separates state lines, out-of-state toxic sites do not need to be identified for NJDEP compliance review. Surface water bodies are the physical expression of shallow ground water systems, and there is no reasonable expectation that out-of-state ground water contamination would cross water bodies to adversely affect New Jersey lands” (see SBL39430ToxicsOutOfStateGuidance11.24.14). The parcel IS within the 3,000 ft. radius of three “threatening” sites located in New Jersey. As shown in the “zoomed in” section of the map provided in the SBL39430ToxicHazardousandRadioactiveSubstancesMap file, the fourth site shown near the property is actually beyond the 3,000 foot distance of concern. The three sites are LOUS SERVICE STATION (Site ID 7742), 38 KELLY PARKWAY (Site ID 52036), and BAYONNE TERMINALS INC (Site ID 7628). These sites have been cleared by NJDEP and are no longer considered threatening to the subject property. Sites that were previously determined by NJDEP to be “non-threatening” to the potential HUD project may not be depicted on the map. See SBL39430Toxic HazardousandRadioactiveSubstancesMap, SBL39430HazardousSitesClearance10.07.2014, and SBL39430HazardousSitesClearance10.30.2014.</p> <p>The 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).</p> <p><u>Lead Based Paint:</u></p> <p>A date of construction for the buildings was not listed in the Hudson County property records (see SBL39430TaxCard). According to a review of historic aerial imagery, the buildings were constructed between 1931 and 1954 (see SBL39340DEPForm2URSSubmission). However, the project is exempt from all requirements of 24 CFR Part 35 due to the following exemption at 24 CFR Part 35 Subpart B, Sec. 35.115(7) “A property or part of a property that is not used and will not be used for human residential habitation.” Additionally, the facility does not meet the definition for “child-occupied facility,” which is defined as a building, or</p>
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		<p>portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week, provided that each day's visit lasts at least 6 hours, and the combined annual visits last at least 60 hours, which would also be subject to lead based paint review. As such, the project does not pose a threat to the health and safety of occupants and/or children under the age of six. However, all activities must still 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.</p> <p><u>Asbestos:</u></p> <p>The property was constructed prior to 1980 and as such is suspect for containing Asbestos Containing Materials (ACM). URS assessed the property for ACM on 11/6/2014. Upon inspecting this site, URS determined materials suspect for containing asbestos were present and conducted bulk sampling and testing of these materials. Five samples tested positive for asbestos. Ten samples were in the same homogenous area as the five that tested positive, but were not tested and assumed to be asbestos containing due to positive stop. Among the samples that tested positive were the corrugated siding, window caulk, door caulk and the skim coating on the concrete. An inclusive list of PACM and ACBM detected at the Property is included in Table 3 of the Asbestos Survey Report (see SBL39430AsbestosSurveyReport). This list of materials will be managed during the reconstruction and/or renovation phase as an ACBM. These materials, if disturbed during the reconstruction and/or renovation phase will require special handling and waste disposal. The property owner will engage the services of a New Jersey licensed firm that specializes in ACBM removal prior to the renovation occurring. Additionally, the roof was deemed unsafe to walk on and samples were therefore limited to roofing materials (such as vapor barriers and roofing guards) that were found in the immediate area surrounding the building. All roofing tile and other roofing material not sampled should be treated as PACM, therefore, the property owner will engage the services of a New Jersey licensed</p>
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			<p>firm that specializes in ACBM removal prior to the renovation of any section of the roof. Please see SBL39430AsbestosSurveyReport for specific details. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the 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 at 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.</p> <p><u>Radon:</u></p> <p>The proposed project, rehabilitation of a manufacturing facility, is in compliance. In accordance with N.J.A.C. 5:23-10.1(b), regulations under the N.J.A.C. Radon Hazard Subcode only pertain “to buildings in Use Groups E and R [Educational and Residential], as defined in the building subcode.” However, per Section 306.1 of the N.J.A.C. Building Subcode, the proposed project site is classified as an F-1 building use (Moderate-Hazard Occupancy) in the Factory Group; the F-1 classification applies to the proposed project site due the building’s manufacturing capabilities and use of plastic products. Therefore, due to the facility’s F-1 building classification, compliance with the N.J.A.C. Radon Hazard Subcode 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"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance. A desktop review of the NJDEP HUD Environmental Review Tool, Threatened and Endangered Species layer indicates the project site is not anticipated to affect threatened and endangered fauna species including the piping plover, red knot, and bat species (see SBL39430EndangeredSpeciesMap). Additionally, desktop review of the HUD Parcel-Centroids for the property (which states an inaccurate address of E 5th Street though the property boundary is correct for the site at 70-86 Hobart Street as shown in the aerial image) shows there are no other federal or state listed threatened and endangered animal species associated with this project site (see SBL39430CentroidsMap). Therefore, no additional</p>

		<p>consultation with U.S. Fish and Wildlife Service or NJDEP is needed for federally or state listed threatened and endangered animal species.</p> <p>The proposed action is not anticipated to affect threatened and endangered plant species. The entire parcel, as seen in the attached site map (see SBL39430SiteLocationMap), is located within an urban developed area and a majority of the site is currently paved and/or graveled, with no vegetation growth aside from opportunistic plant species (weeds) growing between paved or graveled areas. See the site photographs included in SBL39430FieldAssessment. Because the proposed action (which includes repairs to the existing structures with no expansion of the footprint) and the location of the site (which is within a developed urban landscape with a lack of vegetation growth in and around the site) there will be no effect on threatened and endangered plant species. Additionally, construction activities (including staging areas) will be held solely on areas currently paved and/or graveled.</p>
<p>6. Environmental Justice [Executive Order 12898]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed action is in compliance. The tracts in the area surrounding the project site consist of 0-10%, 10-20%, 20-30%, and 40-100% minority populations. (See SBL39430EJMinorityDemographics). The population at or below poverty level is 0-10% and 10-20% in the tracts near the project site (See SBL39430EJPovertyDemographics). The population density in the area near the project site is between 200-1,000 people / sq. mi. and 1,000-5,000 people / sq. mi. (See SBL39430EJPopDensityDemographics). These demographics are consistent with the surrounding community. In accordance with the requirements of the program, the proposed project would not alter the existing demographics of the immediate area. The proposed project involves the rehabilitation and improvement of an existing manufacturing facility with a potential increase in capacity of 15% once the work has been completed. This increase in capacity is not expected to cause significant adverse effects to the environment. The impacts of the project would be beneficial to the local community, by providing increased employment opportunities to residents and providing needed repairs to this storm damaged facility, preventing further deterioration. Additionally, the area is currently developed for commercial and light industrial use and the</p>

			<p>project activities will not change the land use. Therefore, the impacts of the proposed action would be beneficial, and significant adverse effects would not occur. Additionally the area surrounding the proposed action site is not a community of concern for environmental justice and the proposed action will not disproportionately affect a minority or low-income population relative to the community at large. See attached SBL39430EJChecklist.</p>
<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance with 24 CFR Part 51 Subpart C. The proposed action, which includes the rehabilitation of the DC Plastic Products LLC facility, does not include the conversion of any building to habitation, making a vacant building habitable, or increasing residential density. The subject parcel is already developed and is not changing land use. Additionally, the proposed project will not include the installation of any ASTs on the subject parcel; thus it will not create a potential hazard to nearby residents or businesses.</p>
<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance. The proposed project site is not in an area of prime or unique farmlands or within a farmland of statewide importance. Additionally, as defined in 7 CFR 658.2, "Farmland" does not include land already in or committed to urban development or water storage. Therefore, the proposed action, which includes repairs to an existing manufacturing facility, does not meet the definition of "Farmland". Additionally, assistance and actions related to the purchase, maintenance, renovation, or replacement of existing structures and sites converted prior to the time an application for assistance from a federal agency, including assistance and actions related to the construction of minor new ancillary structures (such as garages or sheds) do not involve conversion of farmland to nonagricultural uses and are exempt from the requirements of 7 CFR 658. See SBL39430PrimeFarmlandSoilsMap.</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance. The proposed project site is not within a FEMA-designated Special Flood Hazard Area (SFHA). Therefore, the proposed action is not subject to floodplain regulations. Additionally, the proposed project is not subject to regulation under the Flood Hazard Control Act rules (N.J.A.C. 7:13). See SBL39430FloodplainMap.</p>
<p>10. Historic Preservation [National Historic Preservation Act of 1966,</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action complies with NHPA Section 106</p>

<p>particularly sections 106 & 110; 36 CFR 800]</p>		<p>requirements. The project site is located outside of the Historic Property Exemption Zone (see SBL39430 HistoricPreservationExemptionZoneMap), therefore, consultation with the New Jersey Historic Preservation Office (NJHPO, also SHPO) was initiated by URS on behalf of the program in an email dated October 14, 2014. The email included the form developed by NJHPO for Section 106 disaster recovery evaluations, specifically the “Form 2” which indicated that the existing warehouse was a historic resource eligible for listing in the NRHP as an individually eligible structure and that the proposed project would result in an Adverse Effect for architectural history (see SBL39340DEPForm 2URSSubmission).</p> <p>The NJHPO replied in an email dated October 30, 2014 that they did not concur with the assessment made by URS. The agency stated in their finding that the building was not eligible for listing on the NRHP, and that there are no historic properties affected within the project’s area of potential effects (see SBL39340DEPForm2NJHPOResponse). New Jersey DEP and DCA have agreed to accept the SHPO finding of no historic properties affected and the project may proceed.</p> <p>The Programmatic Agreement states that an archaeological investigation of the project area is not required if it is a rehabilitation project, if no significant new land disturbance will result. That allowance is stated under Appendix B, Tier I Stipulation I (see SBL39430PA). Following discussion between NJHPO, NJDEP and NJDCA, that allowance was defined to mean that archaeological investigations are not required if the project activity involves the rehabilitation of a building (including elevation) that was extant at the time Hurricane Sandy struck. The proposed project activity is limited to rehabilitation activities, therefore no archaeological studies were required, nor was consultation with NJHPO or Native American Tribes.</p> <p>The proposed project site is not situated within a local historic district and so consultation with the municipal government regarding potential historic preservation concerns was not required. Furthermore, as the proposed program action is limited to rehabilitating an existing facility, consultation with the Native American Tribe signatories to the Programmatic Agreement was not needed.</p>
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<p>11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance. Per HUD directive, 24 C.F.R. Part 51B is not applicable to a disaster recovery program, including repair or reconstruction of damaged structures that meet the requirements for exclusion in 24 CFR 51.101(a)(3). That 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, repair of an existing manufacturing facility, would substantially restore the facility as it existed prior to Superstorm Sandy.</p> <p>While the facility is purchasing new equipment to upgrade and expand the manufacturing production capabilities by 15%, the primary intention of the project is to rehabilitate a manufacturing facility. The purchase of new equipment will not result in an increase in noise impacts on the surrounding areas. Additionally, the manufacturing facility is not considered a noise sensitive land use. Therefore, as per 24 C.F.R. 51B, noise policy is not required to be taken into consideration.</p>
<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed project is in compliance with 40 CFR 149. The project site is in Hudson County, which is not located in any areas designated as a Sole Source Aquifer (see SBL39430SoleSourceAquifersMap). Therefore, per a USACE letter dated August 13, 1996, the project will not be considered for EPA SSA review (see SBL39430Memo 1996EPASoleSourceAquifer). Additionally, the proposed project will not involve acquisition of undeveloped land, change in land use or new construction. No further review or consultation is required.</p>
<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance. A desktop review of the NJDEP Wetlands Protection Map and field data indicates that mapped/potential Wetlands are not located within 150 feet of the project site. Therefore, this project will have no direct or indirect effect on coastal or freshwater wetlands. See SBL39430WetlandsProtectionMap and SBL39430FieldAssessment.</p>
<p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed action is in compliance. 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</p>

			<p>Act. Currently there are no rivers within New Jersey under study for possible inclusion in the Wild and Scenic River System. The nearest segment of the Wild and Scenic Rivers system is Musconetcong River, which is located 38 miles west-northwest of the proposed project site (see SBL39430WildScenicRiversMap). The proposed project site is not located within ¼ of a mile from any Wild and Scenic River stream bank or within a one-mile radius of a designated Wild and Scenic River. Therefore, the proposed activity will have no direct or indirect effect on 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 action is in compliance. 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. The runway protection zones associated with Newark Liberty International Airport and Atlantic City International Airport are located approximately 3.1 miles and 85 miles (respectively) from the proposed project site. 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 nearest applicable clear zones and accidental potential zones at the Lakehurst Naval Air Station are located approximately 41 miles from the proposed project site. The proposed project is not located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone, and does not involve the sale or acquisition of property. See SBL39430AirportClearZonesMap. [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 and twelve "otherwise protected areas" that comprise the Coastal Barrier Resources System in New Jersey are part of the John H. Chafee Coastal Barrier Resources System and are undeveloped coastal barriers and other areas located on the coasts of the United States. The nearest component of the Coastal Barrier Resource System is approximately 12 miles east-southeast of the project site. Therefore, the rehabilitation of an existing facility would have no impact on coastal barrier resources. See SBL39430CoastalBarrierResourcesMap. [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 proposed project site is not located in the FEMA-designated Special Flood Hazard Area. Therefore, flood insurance is not required for participation in this program in accordance with 24 CFR 58.6(a). See SBL39430FloodplainMap. [Proceed with project.]

Yes. Cite or attach Source Documentation: _____

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):

The field inspection was completed on 10/17/2014 by Malik Rasool. The property location was confirmed by the parcel location. Mr. Rasool inspected the parcel and noted no Recognized Environmental Conditions (RECs). See SBL39430FieldAssessment and SBL39430SiteReconQuestionnaire10.07.14.

Summary Statement of Findings and Conclusions:

The proposed action requires mitigation in order to comply with the environmental requirements for funding. The following mitigation measures are recommended to minimize any potential adverse environmental impacts and to ensure compliance with the environmental requirements for funding.

Required Mitigation and Project Modification Measures:

(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:

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.

Hazardous/Toxics Materials:

In order to be awarded the CDBG-DR Stronger NJ Business Loan Program grant, a check written to NJDEP for LSRP fees must be received by NJDEP. Additionally, proof of commencement of RI activities must be submitted.

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).

Lead Based Paint

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.

Asbestos:

The property owner will engage the services of a New Jersey licensed firm that specializes in ACBM removal prior to any renovations occurring. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the 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 at 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.

Air Quality Permits:

Be advised that to operate current on-site equipment, two separate air permits will be required; one permit will be

required for the extruder and pneumatic conveyance equipment and one permit is needed for the on-site storage silos. Additionally, any additional applicable equipment for this project, under N.J.A.C 7:27 subchapter 8, will require an air permit.