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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

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) L**ead 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.

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