

## 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 Consumer Affairs, Richard Constable III, Commissioner

**Applicant Name:** Leonidas (First) Kopsaftis (Last) -or- \_\_\_\_\_ (Business/Corporate Name)

**Project Location:** 1108 Barnegat Avenue \_\_\_\_\_ (Street Address)

Seaside Heights Borough (Municipality) Ocean (County) New Jersey (State)

51 (Block) 81.02 (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, repair, elevation and mitigation of substantially damaged structures 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 Landlord Rental Repair Program, if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, 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).
18. 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.
19. All residential structures must be free of mold attributable to Superstorm Sandy.
20. Comply with all laws, regulations, and industry standards applicable to aboveground and underground storage tanks, including the New Jersey underground storage tank regulations at NJAC 7:14B.
21. Storage tanks below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood.

**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)).
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**CERTIFICATIONS:**

<u>Thomas Flis, Tetra Tech</u> Preparer Name and Agency	 _____ Preparer Signature	<u>September 16, 2014</u> 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	Landlord Rental Repair Program	Up to \$50,000 per unit

**Estimated Total HUD Funded Amount:**

The estimated total HUD funded amount is \$200,000.

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

The estimated total project cost is \$306,469.

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

The State of New Jersey was included in the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) program pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013). On October 29, 2012, Superstorm Sandy made landfall over the New Jersey coast. The storm surge inundated and severely affected the State’s shoreline from Cape May to Raritan Bay, along the Hudson River, and on the estuaries connecting to Raritan Bay and Newark Bay. Other overland flooding, wind damage and an ensuing snowstorm further damaged these communities as well as other communities throughout New Jersey. In particular, communities within Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean and Union Counties suffered substantial real estate and public infrastructure damage. These nine counties were identified by HUD as the most impacted and distressed counties within New Jersey. This CEST addresses activities at 1108 Barnegat Avenue (Block 51, Lot 81.02) in Seaside Heights, Ocean County, New Jersey.

The State of New Jersey has allocated \$70 million in CDBG-DR funds for the Landlord Rental Repair Program (LRRP). The LRRP is designed to restore rental properties that were damaged by Superstorm Sandy. The Program provides up to \$50,000 per storm-damaged unit to assist eligible landlords of rental property to repair residential rental property damaged by Superstorm Sandy. To be eligible for the award, the landlord must then rent the repaired unit(s) to low and moderate income families at approved affordable rents. In addition to increasing the supply of affordable rental housing in areas that were damaged by Superstorm Sandy, the Program will also serve to help revitalize storm impacted neighborhoods.

The purpose of this proposed project is the rehabilitation and elevation of the two structures located at 1108 Barnegat Avenue, Seaside Heights (Block 51, Lot 81.02). The two structures comprise five total units, four of which were damaged as result of Superstorm Sandy. The four damaged units would be rehabilitated and elevated. When completed, the proposed project will aid in the repair of residential rental property damaged by Superstorm Sandy and increase the supply of affordable rental housing to low and moderate income families.

**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 State of New Jersey has allocated \$70 million in CDBG-DR funds for the LRRP, a program designed to restore rental properties that were damaged by Superstorm Sandy. The maximum Landlord Rental Repair amount is \$50,000 per unit. It is intended to “fill in the gap” between the cost to repair the rental unit(s) and the funds the landlord has available to make those repairs. The duplication of benefits analysis takes into consideration all of the funds that the landlord received to repair the damaged unit(s) including insurance, SBA assistance, and any assistance from other sources that were for repair of the structure. To determine the award, other sources of repair funds will be subtracted from the cost to repair.

This proposed project involves the rehabilitation and elevation of the two structures located at 1108 Barnegat Avenue, Seaside Heights, Ocean County, New Jersey (Block 51, Lot 81.02). The two structures, built in 1946 according to Ocean County property tax records, comprise five total units, four of which were damaged as a result of Superstorm Sandy. Two of the damaged units (#1 and #2) are in the structure on the west side of the property and the other two damaged units (#3 and #4) are in the structure on the east side. The four damaged units would be rehabilitated and both structures would be elevated. See the attached Project Location Map file SRP0037053\_ProjectLocation\_LRRP\_TO100.

**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 because it does not involve one of the applicable activities: acquisition of undeveloped land, change of land use, demolition, major rehabilitation, or new construction.</p> <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>According to the U.S. Environmental Protection Agency (USEPA), Ocean County has been designated a nonattainment or maintenance area for two National Ambient Air Quality Standard (NAAQS) pollutants:</p> <ul style="list-style-type: none"> <li>• a moderate nonattainment area for 8-hour ozone (1997 Standard)</li> <li>• a marginal nonattainment area for 8-hour ozone (2008 Standard)</li> </ul> <p>There will be temporary, unavoidable increases in particulate matter levels during the proposed rehabilitation and elevation activities. While air quality will be temporarily affected during rehabilitation and elevation activities, the proposed project will adhere to state air quality standards (NJAC 7:27-1 et seq.) Air quality effects will be mitigated to the extent feasible.</p> <p>The Division of Air Quality (DAQ) has revised the General Conformity Applicability Analysis for the New Jersey Department of Community Affairs (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 January 23, 2014. 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</p>

		<p>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 and complying with all state and federal rules for demolition of structures that may contain asbestos.</p> <p>See attached file SRP0037053_AirQuality_LRRP_TO100.</p>
<p><b>2. Airport Hazards</b> (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance because (1) the authority under consideration does not apply to the activity of the proposed project. Applicable activities per guidance include acquisition for construction, change of land use, increase in density, major rehabilitation, new construction. Four of the property's five units are slated for rehabilitation and elevation. The following are not anticipated: increase in density, change in land use, 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)). 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 Ocean County. Per the NJDEP's HUD Environmental Review Tool, Atlantic City International Airport (Atlantic County) is located approximately 221,000 feet southwest of the subject property and Newark International Airport is located approximately 265,000 feet north-northwest of the subject property.</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 Lakehurst Naval Air Station. The clear zones and accidental potential zones associated with Lakehurst Naval Air Station are in three municipalities in Ocean County: Jackson Township, Manchester Township, and Lakehurst Borough.</p> <p>Per the NJDEP's HUD Environmental Review Tool, the proposed project is not located within an airport clear zone or the Lakehurst</p>

			<p>Accident Potential Zone. Lakehurst Naval Air Station in Ocean County is approximately 68,000 feet west-northwest of the proposed project location.</p> <p>See attached file SRP0037053_AirportHazards_LRRP_TO100.</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 because it does not involve one of the applicable activities: acquisition of undeveloped land, change of land use, major rehabilitation, new construction.</p> <p>The proposed project is in compliance. In response to the 1972 passage of the federal Coastal Zone Management Act, New Jersey developed and received federal approval for New Jersey's Coastal Management Program (CMP), which addresses the complex coastal ecosystem as a whole, integrating goals and standards for protection and enhancement of natural resources, for appropriate land use and development, and for public access to and use of coastal resources.</p> <p>The Coastal Zone Management rules, N.J.A.C. 7:7E, represent the State's substantive standards for the use and development of resources in New Jersey's coastal zone. These rules are used to review permit applications submitted under the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq.; the Waterfront Development Law, N.J.S.A. 12:5-3; and the Wetlands Act of 1970, N.J.S.A. 13:9A. The Coastal Permit Program rules, N.J.A.C. 7:7, establish the procedures by which NJDEP reviews permit applications and appeals from permit decisions under CAFRA, Waterfront Development Law, and the Wetlands Act of 1970.</p> <p>The CMP authority under CAFRA applies to the construction of any development defined in Section 3 of the Act (N.J.S.A. 13:19-3) or in N.J.A.C. 7:7-2.1 that is being constructed within the coastal area described in Section 4 of the Act (N.J.S.A. 13:19-4). The CMP authority under the Waterfront Development Law applies to the filling or dredging of, or placement or construction of structures, pilings or other obstructions in, any tidal waterway, or in certain upland areas adjacent to tidal waterways outside the area regulated under CAFRA, as explained in N.J.A.C. 7:7-2.3.</p> <p>In accordance with the Coastal Permit Program rules (N.J.A.C. 7:7) and the Coastal Zone Management rules (N.J.A.C. 7:7E), for actions that stay within the existing footprint, within the CAFRA zone, the Coastal Zone Management review is concluded.</p> <p>Per the NJDEP's HUD Environmental Review Tool, the proposed project is located within the CAFRA zone, and 560 feet east from the closest mean high water line and 420 feet east from the closest mean high water line.</p> <p>See attached file SRP0037053_CoastalZoneManagement_LRRP_TO100.</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. 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</p>



		<p>occupants of the property or conflict with the intended use of the property.</p> <p>In order 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 proposed project site is not within the 3,000-foot radius of a “threatening” site.</p> <p>The site reconnaissance performed on June 4, 2014 revealed no visible recognized environmental conditions (RECs) in the vicinity of 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.</p> <p><u>Asbestos</u></p> <p>In accordance with regulations adopted by the Federal Occupational Safety and Health Administration (OSHA), surfacing material (including sprayed material and troweled on acoustical plaster, fireproofing, etc.), thermal system insulation, and flooring materials (vinyl and asphalt) used in buildings constructed no later than 1980 are presumed to contain potential asbestos-containing materials (ACMs), unless testing proves otherwise. After 1980, the aforementioned materials are not presumed to be ACMs. However, certain types of products including, but not limited to, acoustical ceiling tile, vinyl floor tile, and drywall could potentially still contain ACMs.</p> <p>In October 2013, Creative Environment Solutions Corp. (CES) conducted limited asbestos surveys, which included sampling and analysis of building materials, on proposed project units #1, #3, and #4 and produced separate reports for these surveys. Each CES report for units #1, #3, and #4 indicated in its findings “The Limited Asbestos Inspection did not identify asbestos-containing materials within the above-referenced residence.”</p> <p>In November 2013, PARS Environmental Inc. conducted a limited asbestos survey, which included sampling and analysis of building materials, on proposed project unit #2. The PARS Environmental report for unit #2 indicated in its findings “Analytical results indicate that each of the 12 samples are non-asbestos containing.”</p> <p><u>Lead</u></p> <p>In October 2013, Creative Environment Solutions Corp. (CES) conducted limited lead-based paint surveys on proposed project units #1, #3, and #4 and produced separate reports for these surveys. Each CES report for units #1 and #3 indicated in its findings “No lead-based paint or lead based paint hazards were found.” The CES report for unit #4 indicated “Lead-based paint and/or lead-based paint hazards were found.” Specifically, the CES report indicated “USEPA and HUD regulations define the following as dangerous levels for lead dust in residences: floors – <math>\geq 40 \mu\text{g}/\text{ft}^2</math> (micrograms per square foot); interior windowsills – <math>\geq 250 \mu\text{g}/\text{ft}^2</math>; and, interior window troughs – <math>\geq 400 \mu\text{g}/\text{ft}^2</math>,” and “According to the laboratory analytical results, one (1) of the five (5) samples</p>
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		<p>collected exhibited lead concentrations in excess of the aforementioned regulatory thresholds. This sample was obtained from Room one’s floor and constitutes a dust-lead hazard in that room.” This was the only area in which the CES report indicated that a lead-based paint hazard existed in unit #4.</p> <p>In November 2013, PARS Environmental Inc. conducted a limited lead-based paint survey, on proposed project unit #2. The PARS Environmental report for unit #2 indicated in its findings “No lead-based paint or lead based paint hazards were found.”</p> <p><u>Radon</u></p> <p>According to the New Jersey Department of Environmental Protection Radon Potential Map and Radon Potential by Municipality table, the proposed project is located in Tier 3, an area of low radon potential.</p> <p>See attached files  SRP0037053_ContaminationandToxicSubstances_LRRP_TO100;  SRP0037053_AsbestosSurveyReports_LRRP_TO100;  SRP0037053_Lead-BasedPaintSurveyReports_LRRP_TO100; and  SRP0037053_RadonMap_LRRP_TO100</p>
<p><b>5. Endangered Species</b>  [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/> <p>The proposed project is in compliance. The Endangered Species Act (ESA), as amended, and its implementing regulations provide federal agencies with a mandate to conserve threatened and endangered (T&amp;E) species and ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a T&amp;E species in the wild, or destroy or adversely modify its critical habitat.</p> <p>The CEST review considered potential impacts of the HUD-assisted proposed project to T&amp;E species and, for animals, critical habitats. The review evaluated potential impacts not only to any listed, but also to any proposed or candidate endangered or threatened species and critical habitats. Projects that affect T&amp;E species or 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 ESA.</p> <p>The proposed project site is not within the habitats of threatened or endangered species (piping plovers, red knots or bats), nor is it within the habitats of any state-listed or federal-listed endangered species, based on a review using the NJDEP’s HUD Environmental Review Tool.</p> <p>The proposed project is in compliance because: (1) the authority under consideration does not apply to the activity of the proposed project. Applicable activities per guidance include demolition, major rehabilitation, new construction, acquisition of undeveloped land, and change of land use. Four of the property’s five units are slated for rehabilitation and elevation, which we have determined does not constitute “major rehabilitation.” The following are not anticipated: demolition, major rehabilitation, new construction, acquisition of undeveloped land, or change of land use.</p> <p>Consultation with the New Jersey Department of Environmental Protection (NJDEP) State Forestry Services – Natural Heritage</p>

		<p>Program (NHP) was not required because the proposed project activity does not constitute major rehabilitation.</p> <p>See attached file SRP0037053_ThreatenedandEndangeredSpecies_LRRP_TO100.</p>
<p><b>6. Environmental Justice</b> [Executive Order 12898]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. The area immediately surrounding the project site consists of relatively small minority populations (10-20%) and 20-30% of the population is at or below the poverty level. The population density in the area is between 1,000 and 5,000 people per square mile. The population density demographics are consistent with the surrounding community. The poverty level demographics are slightly higher than the surrounding community. The percentage of minority populations is a greater percentage than some areas and less than others in the surrounding community. The proposed project involves rehabilitation of existing structures.</p> <p>The proposed activities would encourage people in the areas most affected by Superstorm Sandy to continue living where they live now. The State of New Jersey has allocated \$70 million in Community Development Block Grant Disaster Recovery (CDBG-DR) funds for the Landlord Rental Repair Program (LRRP). The LRRP is designed to restore rental properties that were damaged by Superstorm Sandy. The Program provides up to \$50,000 per storm-damaged unit to assist eligible landlords of rental property to repair residential rental property damaged by Superstorm Sandy. To be eligible for the award, the landlord must then rent the repaired unit(s) to low and moderate income families at approved affordable rents. In addition to increasing the supply of affordable rental housing in areas that were damaged by Superstorm Sandy, the Program will also serve to help revitalize storm impacted neighborhoods. When completed, the proposed project will aid in the repair of residential rental property damaged by Superstorm Sandy and increase the supply of affordable rental housing to low and moderate income families.</p> <p>See attached files SRP0037053_EJChecklist_LRRP_TO100, SRP0037053_EnvironmentalJustice_Poverty_LRRP_TO100, SRP0037053_EnvironmentalJustice_PercentMinority_LRRP_TO100, and SRP0037053_EnvironmentalJustice_PopulationDensity_LRRP_TO100</p>
<p><b>7. Explosive and Flammable Operations</b> [24 CFR 51C]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. 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 and elevation), the number of dwelling units on the property would not increase.</p>

<p><b>8. Farmland Protection</b> [Farmland Protection Policy Act of 1981, particularly sections 1504(b) &amp; 1541; 7 CFR 658]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. The property involved in the proposed project consists of “land already in or committed to urban development” within the meaning of 7 CFR 658.2(a), and is therefore not farmland for purposes of the Farmland Protection Policy Act. In addition, a review of the NJDEP’s HUD Environmental Review Tool indicated that the proposed project site does not include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service (formerly the Soil Conservation Service).</p> <p>See attached file SRP0037053_FarmlandProtection_LRRP_TO100.</p>
<p><b>9. Floodplain Management</b> [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The proposed project is in compliance. The presence of a Special Flood Hazard Area (100-year floodplain, Zone A) was determined by using the ArcGIS Explorer Online Screening tool (ArcGIS Explorer). Per ArcGIS Explorer, it has been determined that the entire proposed action is located in a 100-year floodplain, i.e. zone A, with the FEMA Preliminary FIRMs layer applied. The FEMA Preliminary FIRMs layer is the first “best available information” in ArcGIS Explorer. Therefore, an 8-Step Floodplain Analysis was conducted to determine whether the proposed project would have adverse effects on the floodplain. The results of the 8-Step Floodplain Analysis indicate that there are no practicable alternatives to the proposed project.</p> <p>Consultation was made with the NJDEP Division of Land Use Regulation (DLUR), which responded that Rehabilitation and elevation of a building within the floodplain would qualify for a Flood Hazard Area Permit-by-Rule pursuant to N.J.A.C. 7:13-7.2(a)3 provided the conditions of that permit-by-rule were met. Therefore, the proposed project would not require a Flood Hazard Area permit from NJDEP.</p> <p>See attached files SRP0037053_FloodplainManagement_LRRP_TO100, and SRP0037053_DLUR_Response_LRRP_TO100</p>
<p><b>10. Historic Preservation</b> [National Historic Preservation Act of 1966, particularly sections 106 &amp; 110; 36 CFR 800]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. DCA has signed on to the Programmatic Agreement (PA) with FEMA, the New Jersey State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans (Refer to Appendix I for the PA). The PA exempts from further historic preservation review those projects that are in areas surveyed by the joint FEMA-SHPO survey team and found to contain no historic aboveground properties in accordance with 36 CFR 800.4(d)(1), provided there is no ground disturbance of archaeological resources. The PA finds that the proposed activities on properties in these areas will have “no effect on historic properties” (refer to Stipulations II and VII.A in the PA in Appendix I).</p> <p>The PA also provides an exemption from further review for the proposed activities on buildings or structures less than 48 years of</p>

		<p>age, provided the proposed activities substantially conform to the original footprint or are performed in previously disturbed soils, and the buildings or structures are not in or adjacent to a historic district (refer to Tier I allowance II.A and Tier II allowance VII.A in Appendix I of the PA).</p> <p>The PA and any and all future amendments will be adopted/utilized to complete the Section 106 review.</p> <p>Consultation with the SHPO is required for properties that are listed on the National Register, properties that are 48 years of age or older and are outside of the GIS-mapped “no historic aboveground properties” areas, and properties on which the proposed activities require disturbance of previously undisturbed soil. The consultation process for these properties is set forth in the PA with expedited timelines and allowance for use of Standard Treatment Measures to resolve adverse effects without execution of a project-specific Memorandum of Agreement.</p> <p>The proposed project is located entirely within a Historic Properties Exemption Zone (Green Zone) and therefore meets PA Tier II Allowance VII.A.2 for historic architecture. The proposed project is located on a barrier island in soils mapped by NRCS as Urban land-Hooksan complex (USHOOB), indicating extensive prior ground disturbance. The lot covers approximately 0.13 acre and is not situated in an HPO archeology sensitivity grid square. The property has low archeological potential and meets PA Tier II Allowance I, as confirmed by an SOI-qualified archeologist, Christopher L. Borstel, Ph.D., RPA.</p> <p>See attached file SRP0037053_HistoricProperties_LRRP_TO100.</p>
<p><b>11. Noise Abatement and Control</b> [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is in compliance because it does not involve one 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.</p> <p>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). 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 rehabilitation of the residential structures without substantially increasing the existing footprints would restore housing substantially as it existed prior to Superstorm Sandy.</p>
<p><b>12. Sole Source Aquifers</b> [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is in compliance because it does not involve one of the applicable activities: acquisition of undeveloped land, change of land use or new construction.</p> <p>Review of the NJDEP HUD Environmental Review Tool, the proposed project is located in an area of a sole-source aquifer. The New Jersey Coastal Plain aquifer system underlies the proposed project site as well as the entire southern half of the state, including all of Ocean County. A memorandum of understanding between EPA and HUD states that the following activities would not create a significant hazard to public health and do not require review for</p>

			<p>potential impact to sole source aquifers:</p> <ul style="list-style-type: none"> <li>• Construction of individual new residential structures containing from one to four units</li> <li>• Rehabilitation of residential units</li> </ul> <p>See attached file SRP0037053_WaterQuality_LRRP_TO100.</p>
<p><b>13. Wetlands Protection</b> [24 CFR 55, Executive Order 11990, particularly sections 2 &amp; 5]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. 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.</p> <p>See attached file SRP0037053_WetlandsProtection_LRRP_TO100.</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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance. The Wild and Scenic Rivers Act created the National Wild and Scenic Rivers System in 1968 to protect selected rivers in a free-flowing condition and to recognize their importance to our cultural and natural heritage (16 U.S.C.1271). The Act prohibits federal support for activities such as the construction of dams or other on-stream activities that would harm a designated river’s free-flowing condition, water quality, or outstanding resource values.</p> <p>The National Park Service reviews activities within a designated river that have the potential for direct and adverse effect on the values for which a river was designated. In addition, provisions of the act have been incorporated into New Jersey’s Coastal Zone Management Rules at N.J.A.C. 7:7E-3.46. Development within a quarter mile of a designated river segment that would have a direct and adverse effect on any “outstandingly remarkable resource value” of a designated river is prohibited. Specific standards apply to construction of docks, piers, moorings, shoreline stabilizations, linear development, communication and cell towers, bridges, and culverts.</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 Resource Systems located within Ocean County. The project is not located within one mile of a designated Wild and Scenic River.</p> <p>See attached file SRP0037053_WildandScenicRivers_LRRP_TO100.</p>

## **24 CFR 58.6 CHECKLIST [24 CFR 50.4, 24 CFR 58.6]**

### **1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3), D]**

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

**No.** 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 SRP0037053\_AirportHazards\_LRRP\_TO100.

[Project complies with 24 CFR 51.303(a)(3).]

**Yes.** Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

### **2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)] Is the project located in a coastal barrier resource area?**

**No.** Cite or attach Source Documentation:

The nine designated units of the Coastal Barrier Resources System in New Jersey are uninhabited. The 12 “otherwise protected areas” associated with the Coastal Barrier Resources System in New Jersey area 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 SRP0037053\_CoastalBarriersResourcesAct\_LRRP\_TO100.

[Proceed with project.]

**Yes.** Federal assistance may not be used in such an area.

### **3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 (42 USC 4001-4128 and 42 USC 5154a)]**

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

**No.** Cite or attach Source Documentation: \_\_\_\_\_

[Proceed with project.]

**Yes.** Cite or attach Source Documentation:

The presence of a Special Flood Hazard Area (100-year floodplain, zones A or V) was determined by using the ArcGIS Explorer Online Screening tool (ArcGIS Explorer). Per ArcGIS Explorer, it has been determined that the entire proposed action is located in a 100-year floodplain, i.e. zone A, with the FEMA Preliminary FIRMs layer applied. The FEMA Preliminary FIRMs layer is the first “best available information” in ArcGIS Explorer. See attached file SRP0037053\_FloodplainManagement\_LRRP\_TO100.

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):

Beth Williams, Tetra Tech, performed the site reconnaissance on June 4, 2014.

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

The proposed activity complies with environmental requirements for funding. The following conditions for approval and 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 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, repair, elevation and mitigation of substantially damaged structures 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 Landlord Rental Repair Program, if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, 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).
18. 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.
19. All residential structures must be free of mold attributable to Superstorm Sandy.
20. Comply with all laws, regulations, and industry standards applicable to aboveground and underground storage tanks, including the New Jersey underground storage tank regulations at NJAC 7:14B.
21. Storage tanks below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood.

Rehabilitation and elevation of a building within the floodplain would qualify for a Flood Hazard Area Permit-by-Rule pursuant to N.J.A.C. 7:13-7.2(a)3 provided the conditions of that permit-by-rule were met. The criteria for the Flood Hazard Area Permit-by-Rule are:

The reconstruction, relocation and/or elevation of a lawfully existing building outside a floodway, provided:

- i. The footprint of the building is not increased by more than 300 square feet;
- ii. The lowest floor of the building is reconstructed or elevated to at least one foot above the flood hazard area design flood elevation;
- iii. The area below the lowest floor of the building is not used for habitation and remains open to floodwaters, in accordance with N.J.A.C. 7:13-11.5(n), (o) and (p);
- iv. The building is not expanded or relocated closer to any regulated water or within a floodway;
- v. Any building being relocated is either moved outside any riparian zone or situated within an area where previous development or disturbance has occurred (such as an area maintained as a lawn or garden or an abandoned parking area that has partially revegetated);
- vi. No vegetation is cleared, cut or removed in a riparian zone, except for vegetation within 20 feet of the building if such disturbance is necessary to facilitate its reconstruction, relocation and/or elevation; and
- vii. All vegetated areas temporarily disturbed within the riparian zone are replanted with indigenous, non-invasive species upon completion of the regulated activity.