

COMBINED PUBLIC NOTICE

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

BERGEN COUNTY

February 1, 2019

New Jersey Department of Community Affairs
101 South Broad Street
PO Box 800
Trenton, NJ 08625-0800

This Notice is related to Federal assistance provided in response to the Presidentially-declared disaster, Superstorm Sandy. This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the New Jersey Department of Community Affairs (DCA).

REQUEST FOR RELEASE OF FUNDS

On or about February 11, 2019, the DCA will submit a request to HUD for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Energy Resilience Bank (ERB) program. DCA expects to fund the project using approximately \$26,990,350 of ERB funds.

PROJECT DESCRIPTION

Application ID number: ERB725155

Project Title: Bergen County Utility Authority (BCUA) Little Ferry Wastewater Treatment Plant

Location: Foot of Mehrhof Road, Little Ferry, Bergen County, New Jersey

The total estimated project cost is \$26,990,350.

The proposed project will retrofit the facility's existing Combined Heat and Power (CHP) facility to enable BCUA to continue delivering power to critical infrastructure during power outages and other storm events. The proposed project includes the reconstruction of Black Start of Cogeneration (Cogeneration) Engines # 1 and #2, which will consist of the applicant retrofitting their two original cogeneration engines (Engine #1 and #2) with black start capabilities, and the installation of Anaerobic digester membrane cover system and anaerobic digester system upgrades/improvements on existing digester tanks for on-site fuel supply production, capture, and storage maximization. Construction work will be limited to interior area, including the existing CHP building, and/or on existing structures, such as the five existing digester tanks. Staging of construction equipment may also be required outside in areas immediately adjacent to areas of construction.

The Responsible Entity, DCA, has determined that the proposed project is Categorically Excluded Subject to §58.5 authorities per 24 CFR 58.35(a). As such, a Statutory Checklist has been completed in order to determine whether the project is in compliance with the authorities cited at 24 CFR§58.5.

Additional project information is contained in the Environmental Review Record on file at the New Jersey Department of Community Affairs, Sandy Recovery Division, 101 South Broad Street, Trenton, NJ 08625-0800. The record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. or can be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

This is to give notice that the DCA has conducted an evaluation as required by Executive Orders 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C, Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded with Community Development Block Grant Disaster Recovery (CDBG-DR) funds under HUD grant number B-13-DS-34-0001.

The proposed project is located at the foot of Mehrhof Road, Little Ferry, Bergen County, New Jersey. The project will involve the reconstruction of existing cogeneration engines with black-start capabilities and installation of a new anaerobic digester membrane system over existing digester tanks. According to GIS mapping, the property (the entire BCUA facility) is approximately 193.1 acres, of which the entire property is located within the AE (Base Flood Elevations determined) 100-year flood zone, as indicated on preliminary Flood Insurance Rate Map (FIRM) mapping. The property is also shown in the 100-year flood zone on FIRM Panel 258 of 332 no. 34003C0258G and Panel 259 of 332 no. 34003C0259G. Since the project is located at a wastewater treatment plant, it is considered a critical action per 24 CFR 55.2(b)(3)(i). Therefore, the project must also consider the 500-year flood zone. The entire project area is within the 500-year flood zone, as shown on the FIRM maps. The proposed scope involves construction activities within the floodplain. No mapped wetlands are located in immediate proximity to the proposed area of work; however, unmapped wetlands may be located along the shoreline of the Hackensack River. No work is proposed in this area.

DCA has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

Option A (the proposed alternative): Reconstruct and install the proposed Black Start and anaerobic digester membrane cover system. By installing the anaerobic digester membranes on the existing tanks it would help limit other floodplain or wetland disturbance, since a separate biogas storage tank will no longer be required. Option A could result in temporary, minor impacts on the floodplain as a result of construction, including the use of equipment during construction activities, and materials temporarily placed in staging areas on the premises. However, Best Management Practices (BMPs) and good housekeeping practices will be utilized

to minimize potential impacts to the floodplain and to restore and preserve natural and beneficial floodplain values at the conclusion of construction.

Option B: This option would involve the Black Start Congregation retrofits. Instead of the anaerobic digester membrane cover system, a separate 175,000 cubic foot biogas tank would be built next to the existing digester tanks. The biogas tank would result in permanent floodplain impacts and could result in impacts in regulated wetland transition areas. Therefore, this option was rejected.

Option C (No Action alternative): Under this condition, no action would be taken. The facility would remain subject to infrastructure failures during power outages and would have no means of collecting excess gas generated by the digester tanks.

DCA has reevaluated the alternatives to building in the floodplain/wetland and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and 11990, are available for public inspection, review and copying upon request at the times and location described in the Public Comments section of this notice.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains/wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains/wetlands can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains/wetlands, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to Samuel Viavattine, Deputy Commissioner, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800 or online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/> and to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. All comments received by February 11, 2019, or seven (7) days from the actual date of publication, whichever is later, will be considered by DCA. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

DCA certifies to HUD that Lieutenant Governor Sheila Y. Oliver, in her capacity as Commissioner of DCA consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its

responsibilities under the National Environmental Policy Act and related laws and authorities, and allows DCA to use CDBG-DR funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DCA's certification for a period of fifteen (15) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of DCA; (b) DCA has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58.76) and shall be addressed to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Lieutenant Governor Sheila Y. Oliver, Commissioner
New Jersey Department of Community Affairs