

## Memorandum

*To:* Project File

*From:* Krista R. Goodin

*Date:* December 8, 2014

*Subject:* New Jersey CDBG-DR Program  
**Landlord Rental Repair Program: Atlantic County**  
**Toxics Conditional Clearance Guidance for Application ID SRP0044222**

On November 13, 2014, CDM Smith received email correspondence from the New Jersey Department of Environmental Protection (NJDEP) indicating “conditional clearance” for Application ID SRP0044222 to the “threatening” site Parkway Auto Service Inc. (site ID 23031). CDM Smith requested conditional clearance language to include in the environmental assessment.

Mr. William Lindner with NJDEP responded via email on November 20, 2014 with conditional clearance guidance to be followed. His email mistakenly references Applicant # RRE0044222 instead of Applicant # SRP0044222.

The email and guidance attachments also reference the Tier 2 Form. It is understood that the NJDEP toxics conditional clearance guidance remains applicable to SRP0044222, which is part of an environmental assessment and is not a Tier 2 review.

## Dunn, Patrick

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**From:** Jablon, Rebecca  
**Sent:** Thursday, November 13, 2014 11:54 AM  
**To:** Dunn, Patrick  
**Subject:** FW: CDM Smith clears  
**Attachments:** CDM\_11122014.pdf

Rebecca Jablon, AICP, LEED AP  
CDM Smith  
T/F 703.691.6485

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**From:** William Lindner [<mailto:William.Lindner@dep.nj.gov>]  
**Sent:** Thursday, November 13, 2014 11:33 AM  
**To:** Watt, Maria; Jablon, Rebecca  
**Cc:** Kim McEvoy  
**Subject:** CDM Smith clears

The NJDEP has made determinations on the following HUD applications. Please see the attached spreadsheet. The spreadsheet will indicate if the HUD projects that you forwarded to me for a Toxics consultation were able to be cleared of the potentially threatening toxic site that you identified using the GIS layer we provided to you.

You will see in the "Outcome" Column of the spreadsheet the determination we have made. There are only 4 potential answers in this column:

**Cleared** – NJDEP has found this site to be in substantial compliance with NJDEP regulations and is therefore considered under control

**Not cleared** – Site is not in compliance with NJDEP regulations and is still considered a potential threat to the HUD applicant site.

**Conditional Clearance** - Site could be cleared if the construction of the project would mitigate the potential environmental hazard. For example, if the environmental issue was vapor intrusion and the home will be built on unenclosed pilings, the vapor intrusion concern is no longer relevant. Specific comments will be provided when appropriate.

**Working On**- DEP staff are working to gather information to make a determination.

**Please print this email and the spreadsheet and place them in the file for each application noted on the spreadsheet. If the "Outcome" column reads "Working on" wait until you receive one of the other 3 answers prior to putting the email/ spreadsheet into that file.**

Start Date	Application #	Contractor	Contaminated Site Name	Contaminated Site ID #	PAMS PIN	SRP PI	Tracking	Outcome	Finish Date	Days to Completion	Emailed Response
11/10/2014	SRP0037818	CDM Smith	Parkway Auto Service Inc.	23031	0102_260_1	015341	Limited Sites Impacted DC	Cleared	11/12/2014		2 11/12/2014
11/10/2014	SRP0043170	CDM Smith	243 Texas Avenue	64097	0102_280_50	G000008898	Limited Sites Impacted DC	Cleared	11/12/2014		2 11/12/2014
11/10/2014	SRP0043170	CDM Smith	241 North Nevada Avenue	221742	0102_280_50	289601	Limited Sites Impacted DC	Cleared	11/12/2014		2 11/12/2014
11/10/2014	SRP0044222	CDM Smith	Parkway Auto Service Inc.	23031	0102_238_1	015341	Limited Sites Impacted DC	Conditional Clear	11/12/2014		2 11/12/2014
11/10/2014	SRP0044458	CDM Smith	Parkway Auto Service Inc.	23031	0102_267_18	015341	Limited Sites Impacted DC	Cleared	11/12/2014		2 11/12/2014
11/10/2014	SRP0044458	CDM Smith	243 Texas Avenue	64097	0102_267_18	G000008898	Limited Sites Impacted DC	Cleared	11/12/2014		2 11/12/2014
11/10/2014	SRP0044458	CDM Smith	241 North Nevada Avenue	221742	0102_267_18	289601	Limited Sites Impacted DC	Cleared	11/12/2014		2 11/12/2014
11/11/2014	SRP0038343	CDM Smith	484 15th Ave	149791	0714_1783_57	197760	Cleared by Geologist	Cleared	11/12/2014		1 11/12/2014
11/11/2014	SRP0038343	CDM Smith	Exxon Service Station	8468	0714_1783_57	008790	NJEMS Compliant	Cleared	11/12/2014		1 11/12/2014
11/11/2014	SRP0038343	CDM Smith	37 Holland Street	75015	0714_1783_57	G000041984	Limited Sites Impacted DC	Cleared	11/12/2014		1 11/12/2014
11/11/2014	SRP0041508	CDM Smith	NJ City University Science Hall	7295	0906_1307_12.A	020343	NJEMS Compliant	Cleared	11/12/2014		1 11/12/2014
11/11/2014	SRP0041508	CDM Smith	Wilkinson Bayview Affordable Hous	68713	0906_1307_12.A	G000026723	Cleared by Geologist	Cleared	11/12/2014		1 11/12/2014
11/11/2014	SRP0041508	CDM Smith	Ocean Pointe Development	399286	0906_1307_12.A	499497/499504	NJEMS Compliant	Cleared	11/12/2014		1 11/12/2014
11/11/2014	SRP0041508	CDM Smith	478 Ocean Avenue	70223	0906_1307_12.A	G000032303	Cleared by Geologist	Cleared	11/12/2014		1 11/12/2014
11/11/2014	SRP0041508	CDM Smith	Getty Service Station #56925	13933	0906_1307_12.A	001742	NJEMS Compliant	Cleared	11/12/2014		1 11/12/2014
11/11/2014	SRP0041508	CDM Smith	Sterling Trimming Co	22497	0906_1307_12.A	244186	NJEMS Compliant	Cleared	11/12/2014		1 11/12/2014
11/11/2014	SRP0041508	CDM Smith	315 Stegman Parkway	340931	0906_1307_12.A	421616	NJEMS Compliant	Cleared	11/12/2014		1 11/12/2014

## Dunn, Patrick

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**From:** Jablon, Rebecca  
**Sent:** Thursday, November 20, 2014 10:19 AM  
**To:** Dunn, Patrick  
**Subject:** FW: CDM Applicant #RRE0044222 - Conditional Clear  
**Attachments:** Vapor Intrusion Construction Mitigation Techniques 4-23-14.pdf; NJDEP Free Product Guidance\_04232014.pdf

Rebecca Jablon, AICP, LEED AP

CDM Smith

T/F 703.691.6485

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**From:** William Lindner [mailto:William.Lindner@dep.nj.gov]  
**Sent:** Thursday, November 20, 2014 11:18 AM  
**To:** Jablon, Rebecca  
**Cc:** NJERRQUESTIONS (NJERRQUESTIONS@icfi.com); Kim McEvoy  
**Subject:** FW: CDM Applicant #RRE0044222 - Conditional Clear

Date: 11/12/2014

Applicant # RRE0044222

Contaminated Site Name: Parkway Auto Service Inc.

SRP PI # 015341

In order for **Applicant # RRE0044222** to receive a Conditional Clearance the attached Guidance documents must be followed. The NJDEP has determined that the HUD Applicant's property may be impacted by groundwater contamination associated with Parkway Auto Service Inc, that may lead to Vapor Intrusion (VI) impacts to any structure on the Applicant's property. To mitigate the potential VI exposure pathway **one** of the conditions outlined in the attached Memo must be selected by the Applicant/construction contractor. If **one** of the outlined VI mitigation techniques are properly implemented a "Conditional Clearance" for the property would be automatically granted without the need for further review from NJDEP.

The NJDEP Free Product/Contaminant Discovery Guidance provides additional protocols that are to be used by the construction contractor if free product or contamination is discovered. This guidance must be used in concurrence with the Conditional Clearance Memo (aka. NJDEP Vapor Intrusion (VI) Mitigation Techniques Guidance) which recommends implementing certain construction techniques to mitigate potential VI concerns related to groundwater contamination.

In the Project Specific Conditions Section of the Tier 2 Form, please **state** the following:

"The Applicant's property has been issued a "Conditional Clearance" by NJDEP. In order to maintain this "Conditional Clearance", the following NJDEP documents must be reviewed prior to construction, and complied with during construction, to ensure potential hazardous conditions at the Applicant's property are understood and mitigated:

- Conditional Clearance Email

- HUD Toxics Clearance Spreadsheet
- Conditional Clearance Memo (aka. NJDEP VI Mitigation Techniques Guidance)
- Free Product / Contaminant Discovery Guidance

These documents must be included in the Applicant's file.



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE  
*Governor*

BOB MARTIN  
*Commissioner*

KIM GUADAGNO  
*Lt. Governor*

# CONDITIONAL CLEARANCE MEMO HUD TOXICS REVIEW: TIER 2 DOCUMENT QUESTION 11

## NJDEP Vapor Intrusion (VI) Mitigation Techniques

### Overview

This document is intended for use by Applicant's whose properties are impacted by off-site contaminant sources. If the Applicant is the discharger then the Applicant is responsible for investigating the discharge per NJDEP Regulations.

The Tier 2 document was created to track environmental issues impacting any properties that have applied for HUD grant money. Question 11 of the Tier 2 form requires that any **threatening** "toxic" sites located within 3000' of the HUD applicant be identified. It also requires that any Recognized Environmental Conditions (RECs) be addressed and remediated appropriately. NJDEP Compliance Reviews have identified areas in which applicant's damaged homes may be subject to the effects of Vapor Intrusion (VI) problems emanating from out of compliance facilities located within 3,000' of the subject property. This guidance may be applied and in certain circumstances, may bring the project into compliance with 24 CFR Part 58.5(i)(2).

When the NJDEP has determined that the HUD applicant may be impacted by VI associated with a contaminated site, the conditions outlined below may be used to mitigate the VI exposure pathway. If the outlined VI mitigation techniques are properly implemented a "Conditional Clearance" for the VI issue would be automatically granted without the need for further review from NJDEP. These conditions may not be modified in any way. If modifications are made to these conditions there is potential for the occupants to be exposed to elevated levels of vapors and the "Conditional Clearance" will not be granted.

This guidance must be used in concurrence with the NJDEP Free Product/Contaminant Discovery Guidance that identifies protocols to be met by the construction contractor if free product or another contaminant discharge is discovered on a HUD funded project

## Vapor Intrusion Mitigation Techniques

Construction mitigation techniques need to be compliant with local codes and ordinances, and the common construction modifications listed below may not be applicable in all situations, nor are they to be considered an all-inclusive list of possible remedies.

Once a locally acceptable construction method has been identified, consideration needs to be given to the possibility of encountering contaminated soil and ground water. Although not limited to the confines of the initial discharge area or the ground water plume, VI is inextricably linked to a ground water plume. For instance, digging or a foundation or utilities may expose contaminated soils and ground water to the construction site. If subsurface contamination is encountered while implementing Invasive construction techniques, a mitigation plan would be required to address worker exposure, and NJDEP, EPA and Pinelands Commission (when applicable) regulations.

This “Conditional Clearance” requires that at least one of the following VI mitigation construction techniques be implemented:

1. Pilings – The construction of the building on driven pilings, without enclosing the area below the building, is the most effective way to prevent vapor intrusion and will also eliminate worker exposure to subsurface contamination. Pilings installed through borings or excavation methods may present an exposure risk to workers by exposing contaminated soils and ground water.
2. Passive Venting – Both accessible and inaccessible crawlspaces that are isolated from the main living space (no direct access from inside the building) can be passively mitigated by natural ventilation – either through existing vents or through the installation of additional vents. The adequacy of the ventilation shall be determined based on one square foot of opening per 150 square feet of crawlspace. These vents must remain open to the outside at all times in order to be successful in mitigating vapor intrusion. Insulation can be installed on the top of the crawlspace (floor of the living space) if there is concern about heat loss.
3. Active Venting – Inaccessible crawlspaces can also be mitigated using active ventilation. Ventilation is provided to the crawlspace using a 1-inch or 2-inch pipe attached to a fan. The design target velocity is calculated based on the crawlspace volume, pipe size, and a target air exchange rate of 0.70 air exchanges per hour. A sample port should also be installed in the pipe to measure air velocity.

## Document Action

In the Project Specific Conditions Section of the Tier 2 Form, please **state** the following:

“The Applicant’s property has been issued a “Conditional Clearance” by NJDEP. In order to maintain this “Conditional Clearance”, the following NJDEP documents must be reviewed prior to construction, and complied with during construction, to ensure potential hazardous conditions at the Applicant’s property are understood and mitigated:

- Conditional Clearance Email
- HUD Toxics Clearance Spreadsheet
- Conditional Clearance Memo (aka. NJDEP VI Mitigation Techniques Guidance)
- Free Product / Contaminant Discovery Guidance”

These documents must be included in the Applicant’s file.

**Note: The specific construction technique will be selected by the construction contractor to accommodate site specific building conditions that are unique to each Applicant’s project**





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# NJDEP FREE PRODUCT/ CONTAMINANT DISCOVERY GUIDANCE AT HUD FUNDED PROJECTS

### **Overview:**

This document is intended for use by Applicant's whose properties are impacted by off-site contaminant sources during construction activities at their HUD funded project. If the HUD Applicant is the discharger (i.e. responsible for the discharge) then the Applicant is responsible for investigating the discharge per NJDEP Regulations.

This guidance must be used in concurrence with the Conditional Clearance Memo (aka NJDEP Vapor Intrusion (VI) Mitigation Techniques Guidance) that recommends implementing certain construction techniques to mitigate potential VI concerns related to groundwater contamination. The Free Product/Contaminant Discovery Guidance should be included in the file of all Applicant's whose property has been issued a Conditional Clearance by NJDEP.

Please explicitly follow the NJDEP Notification Protocol outlined below. This will ensure that the Applicant's property can continue to move forward in the HUD process and demonstrate compliance with NJDEP protocols regarding encountering and addressing contamination.

### **NJDEP Notification Protocol:**

If an environmental hazard such as free product or another contaminant discharge is discovered on a HUD funded project, the construction contractor **MUST** call the NJDEP Hotline.

### **Please follow the exact steps outlined below:**

1. Upon discovery of impact to a HUD funded property, call 1-877-WARNDEP immediately.
2. Identify yourself as a "SANDY HUD CONTRACTOR" and indicate to the Operator that this designation must be recorded on the communication log.
3. Copy down the incident number given by the Comm Center Operator.
4. Email the incident number to [William.Lindner@dep.state.nj.us](mailto:William.Lindner@dep.state.nj.us) and include a brief synopsis of the event in the email.

The NJDEP has established an Environmental Telephone Hotline System (i.e., 877-WARN-DEP) that is staffed 24-hours a day, 7 days a week to report an environmental hazard. If an environmental hazard is discovered at any property in the State of New Jersey this hotline is

required to be notified. The NJDEP has established a notification protocol to document all environmental incidents called into the Hotline, which is operated by the NJDEP Communication (Comm) Center. Calls to the Comm Center are received and evaluated before being forwarded to the appropriate department for action. The communication operators' are available to receive calls from the general public and generate incident reports in the New Jersey Environmental Management System (NJEMS) database. The communication operators notify various NJDEP personnel which may result in the deployment of the Bureau of Emergency Response (BER) when necessary.

The Comm Center Operator will generate an incident report recording all relevant information and document the type of discharge reported (i.e., free product, contaminated ground water, contaminated soil, etc.). The Operator will also determine the level of emergency. The construction contractor should take action to ensure the environmental hazard is not exacerbated.

In the case of free product discovery, the Operator may deploy a NJDEP Emergency Responder (ER) to the scene to evaluate the hazard level and investigate the source of contamination. NJDEP ERs have the legal ability to issue violations to any named party that they have deemed responsible for the contamination. If the responsible party will not/cannot comply with a directive outlined in the violation or a responsible party is not readily evident, the NJDEP ER has the ability to immediately engage a pre-contracted environmental contractor to address the contamination.

Once the emergency has been abated or controlled, the construction contractor is responsible for complying with all Federal, State and Local regulations regarding further construction on the property. Construction activities should be modified, as necessary, to address any potential impacts of the environmental hazard to the Applicant's property or pending structures.

**Document Action:**

The following NJDEP documents **MUST BE INCLUDED** in the Applicant's file. These NJDEP documents must be reviewed prior to construction, and complied with during construction, to ensure potential hazardous conditions at the Applicant's property are understood and mitigated:

- Conditional Clearance Email
- HUD Toxics Clearance Spreadsheet
- Conditional Clearance Memo (i.e., NJDEP VI Mitigation Techniques)
- Free Product/Contaminant Discovery Guidance at HUD Funded Projects

These documents outline the conditions to be met by, and responsibilities of, the construction contractor and the Applicant.