

**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: _____ (First) _____ (Last)

-or- _____ City of Atlantic City _____ (Business/Corporate Name)

Project Location: Maine Avenue from Oriental Avenue to Melrose Avenue (Street Address)


Atlantic City (Municipality) Atlantic (County) NJ (State)

_____ (Block) _____ (Lot) * N/A – Site is within public right of way.

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:

Gary Doss, Dewberry		10/22/2014
Preparer Name and Agency	Preparer Signature	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	CDBG-DR	\$5,000,000.00

Estimated Total HUD Funded Amount: \$5,000,000

Estimated Total Project Cost [24 CFR 58.32(d)]: (HUD and non-HUD funds) \$15,000,000

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

The Absecon Inlet segment of the Atlantic City Boardwalk has been significantly impacted by major storm events through its 80-year history. Damage incurred by Superstorm Sandy – the most recent event – has resulted in the structure being non-functional. This has left the inlet neighborhood of Atlantic City without a boardwalk, limiting tourism and redevelopment opportunities. The boardwalk previously connected the Gardner’s Basin neighborhood in the west with the beaches and casinos to the southeast. This connection is no longer in place. In addition, the inlet neighborhood currently contains numerous vacant lots that are available for redevelopment. This redevelopment is not likely to occur without the reconstruction of the boardwalk and sea wall, which will help protect the inlet area from future storm events.

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 is intended to reconstruct the Atlantic City Boardwalk from Oriental Avenue to Melrose Avenue. Notwithstanding the supporting documentation (see “Jerome Associates SHPO letter” and “CAFRA Permit Approval) which states that work may be conducted outside of the existing footprint, this environmental evaluation is based on the site plans see “AC Boardwalk- Site Plans2” within NCR39559_ApplicantFiles). These plans represent that the project will be a replacement in-kind of the boardwalk, from Oriental Avenue to Melrose Avenue. The boardwalk is within city-owned right of way. In addition, the US Army Corps of Engineers (ACOE) is constructing a new sea wall, consisting of a stone and steel revetment, along a portion of the proposed reconstructed boardwalk (from Oriental Avenue to Atlantic Avenue). The sea wall will provide protection to the boardwalk and the shoreline along the Absecon Inlet. It is noted that, should the proposed improvements deviate from the boardwalk’s existing footprint, additional assessments may be warranted.

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 A B		Compliance Documentation
<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 within Atlantic County, which is shown as being designated a nonattainment or maintenance area for the following National Ambient Air Quality Standard (NAAQS) pollutants (see SBL39559_AirQualityMap_NCR_TO1046):</p> <p>Nonattainment area for 8 hour Ozone standard of 0.08 ppm (1997 standard) Nonattainment area for 8 hour Ozone standard of 0.075 ppm (2008 standard) Maintenance area for 8-hour Carbon Monoxide standard of 9ppm</p> <p>Project activities must meet the regulatory requirements of New Jersey’s Air Rules and Air Pollution Controls (see NCR39559_AirQualityMemo_NCR_TO1046). The project will involve reconstructing the storm-damaged Atlantic City Boardwalk from Oriental Avenue to Melrose Avenue. Temporary impacts to air quality may occur during construction; however, no long-term impacts to air quality are anticipated. The temporary impacts can be mitigated through Best Management Practices (BMPs) including the usage of water or chemical dust suppressant, covering load compartments of trucks carrying dust-generating material, and retrofitting older equipment with pollution controls.</p>
<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Newark Liberty International Airport is located approximately 100 miles to the north of the project. Atlantic City International Airport is located approximately 10 miles to the west of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 45 miles north of the project. The project is not within 15,000 feet of a military air field or 2,500 feet from the end of a civilian airport runway. The project is therefore not within an Airport Clear Zone or Accident Potential Zone (see NCR39559_AirportHazardsMap_NCR_TO1046).</p>

<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is located within the CAFRA zone and Waterfront Development regulated area. See NCR39559_CoastalZoneManagementActMapCAFRA_NCR_TO1046. Based on the information provided by the applicant and correspondence with the NJDEP Division of Land Use Regulation (DLUR), a CAFRA permit has been granted for portions of the project above the mean high water line (MHWL) and a Waterfront Development permit has been granted for portions of the project below the MHWL (see "CAFRA Permit Approval" within NCR39559_ApplicantFiles). According to DLUR, as long as there are no further changes to the project, no further consultation with DLUR is necessary. See correspondence with the DLUR (NCR39559_DLUR) in the supporting documentation.</p> <p>The project proposes impacts above and below the mean high water line and is therefore subject to US Army Corps of Engineers (ACOE) jurisdiction. It is noted that the ACOE will be constructing the seawall and revetment portion of the project (see Project Description within "AC Boardwalk- DEP App", located within NCR39559_ApplicantFiles) and will handle all applicable permitting requirements for the portions of the project be undertaken by the ACOE.</p>
<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>One hazardous site was identified within 3,000 feet of the project (see NCR39559_ToxicHazardousandRadioactiveSubstancesMap_NCR_TO1046). The site was submitted to NJDEP for review and was cleared on 9/18/2014 (see NCR39559_Toxics in Correspondence, within the supporting documentation). In addition, no evidence of contamination or toxic substances was observed during the site visit.</p> <p>According to the Construction Solicitation and Specifications document (see "AbseconInletConstrSpecs" within NCR39559_ApplicantFiles) provided by the applicant, asbestos-containing materials (ACMs) have been identified in the form of approximately 1,700 square feet of flashing and roofing materials within the boardwalk pavilion. These materials should be properly handled and disposed of in accordance with all applicable state and federal regulations. No other suspect ACMs or lead-based paint (LBP) were identified during the site inspection.</p> <p>The property is within a Tier III Radon Potential area; therefore, further assessment regarding Radon is not required. See NCR39559_RadonMap_NCR_TO1046.</p>
<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>According to the US Fish and Wildlife Service (USFWS) Information, Planning and Conservation System (IPaC), piping plover (threatened) and red knot (proposed threatened) may be present within proximity to the site. According to the NJDEP GIS tool, however, these species are not present within proximity to the project area. The closest mapped Piping plover habitat is on Brigantine Island, along the northern side of the Absecon Inlet (approximately 1,400 feet to the northeast of the project site) and the closest Red knot habitat is approximately 1.6 miles to the north-northwest. The IPaC results also</p>

		<p>identified the project area as being within the zone of potential habitat for the federally-threatened plant species Seabeach amaranth; It is noted, however, that the project is proposed to be located within the footprint of the existing boardwalk; therefore, no impacts to this species are anticipated.</p> <p>The NJDEP GIS tool identified habitat for threatened and endangered bat species, within the Oscar E. McClinton Junior Waterfront Park and along New Hampshire Avenue (see NCR39559_EndangeredSpeciesMap_NCR_TO1046). It is noted that no trees equal to or greater than 10 inches in diameter were observed within the project site, the project is proposed to be constructed within the footprint of the existing boardwalk, and work on the boardwalk within the Oscar E. McClinton Junior Waterfront Park is not proposed (see "AC Boardwalk- Site Plans2" within NCR39559_ApplicantFiles); therefore, impacts to this species are not anticipated. It is also noted that according to the NJDEP GIS tool centroid layer, no state or federally-listed species are present on the park parcel (see NCR39559_EndangeredSpeciesMapCentroid_NCR_TO1046). However, should trees greater than 5 inches be encountered in this area, clearing of these trees would not be permitted between April 1 and September 30.</p> <p>According to correspondence with the NJDEP Natural Heritage Program (NHP), Black-crowned night heron (state threatened), Osprey (state threatened) and Yellow-crowned night heron (state threatened) utilize the site for foraging. Foraging habitat for additional bird species of special concern was also identified; however, these species have not been designated as state or federally threatened/endangered. The proposed project is a reconstruction of the boardwalk in its existing location; therefore, impacts to foraging habitat for these species is not anticipated.</p> <p>The NHP also identified Peregrine Falcon (state endangered) nesting habitat on-site. It is noted that during the site reconnaissance no nesting sites were observed. This species typically nests at high elevations; several of the nearby buildings, such as the Flagship Resort Hotel (adjacent to the southwest, across North Maine Avenue) and Revel Casino Hotel (approximately 1,400 feet to the southwest of the southern end of the project area), may represent such habitat. It is noted that the boardwalk pavilion roof was not visually inspected during the site reconnaissance due to access limitations. However, with taller structures (i.e., Flagship Resort and Revel Casino Hotel) located in close proximity that are significantly taller than the pavilion, the likelihood of nests located on top of the pavilion is low. If Peregrine Falcon nesting sites are encountered in this area, timing restrictions for construction activities would be put in place. No work could be conducted between March 1 and July 15.</p> <p>It is noted that the NHP also identified foraging habitat, nesting habitat and nesting colonies for additional species of concern within one mile of the site; however, because the project will reconstruct the boardwalk within the existing footprint, no impacts to these species</p>
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			are anticipated. The IPaC results (NCR39559_IPAC) and NHP correspondence (NCR39559_NHP_Response) can be found within NCR39559_USFWS and NCR39559_NHP, respectively.
6. Environmental Justice [Executive Order 12898]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No environmental justice population are located within the project as the subject parcels are uninhabited. It is noted, however, that the project is located adjacent to environmental justice populations (between 40-100% minority and between 20-30% below poverty). See NCR39563_HUD_EJ_Checklist_NCR_TO1046, NCR39559_EnvironmentalJusticeMinorityMap_NCR_TO1046 and NCR39559_EnvironmentalJusticePovertyMap_NCR_TO1046. The proposed project will involve reconstructing the Atlantic City Boardwalk from Oriental Avenue to Melrose Avenue, with a protective seawall and revetment from Oriental Avenue to Atlantic Avenue. The project is not anticipated to have an adverse impact to the project area. In fact, the project will act to restore a significant community asset and provide protection against future storms, thereby providing a benefit to the local community.
7. Explosive and Flammable Operations [24 CFR 51C]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project is reconstructing the boardwalk in its previously-existing location, with no increase in size or capacity. Therefore, the project is in conformance with 24 CFR Part 51C and no acceptable separation distance (ASD) calculation is necessary.
8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	According to NJDEP GIS information, the project is not within areas identified as being prime farmland. Therefore, the project will not adversely impact soils of importance to farmland (see NCR39559_FarmlandProtectionSoilsMap_NCR_TO1046).
9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The property is within the 100-year floodplain (see NCR39559_FloodplainMgmtNFIPNotInFloodwayMap_NCR_TO1046). The project is within areas identified as Zone AE and Zone VE. It is noted that the map legend identifies the A and V zones; the AE and VE zones are subsets of the A and V zones. Compliance with Flood Hazard Act (FHA) regulations is included within the project's Coastal Zone Management permits (see Question 3 above). Since no practicable alternatives to locating within the floodplain were identified, an 8-step decision-making process was conducted as outlined in 24 CFR 55.21. A public notification was posted on September 18, 2014 with a comment period of 15 days. No comments were received. A copy of the 8-step checklist, the 8-step analysis and public notifications can be found in the supporting documentation (see folder NCR39559_8Step_NCR_TO1046).

<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project includes areas of the boardwalk that are outside of the “Green Zone” (see NCR39559_HistoricPreservationExemptionZoneMap_NCR_TO1046). Therefore, the project area has the potential to impact historic architectural resources. In addition, while the project is located on a barrier island, it encompasses greater than five acres; therefore, it has the potential to impact archaeological resources.</p> <p>The applicant’s consultant, Rutala Associates, submitted a letter to SHPO on July 1, 2013, to request comment on the project’s possible impacts on historic resources. This letter covered the portion of the project from Oriental Avenue to Atlantic Avenue. SHPO responded on July 29, 2013 stating that no historic properties would be affected by the proposed work in that area (see “AC Boardwalk- NJDEP SHPO Letter” within the applicant files). Jerome Associates submitted an additional request to SHPO, dated November 19, 2013, on behalf of the applicant as part of the CAFRA permit for the remaining portion of the project, from Atlantic Avenue to Melrose Avenue (see “Jerome Associates SHPO letter Email” within the applicant files). SHPO responded on December 19, 2013 stating that no historic properties would be affected by the proposed work (see “Jerome Associates SHPO letter” within the applicant documents). Based on these responses, no further consultation with SHPO is necessary at this time.</p>
<p>11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>A Day/Night Noise Level (DNL) calculation for the project was not conducted. DNL noise standards are applicable only to projects “providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development” (24 CFR 51.101(a)(3)). The proposed project is not for housing or a noise sensitive use; therefore the DNL noise standards are not applicable.</p> <p>It is anticipated that construction activities will create a temporary noise impact. This impact can be mitigated through the use of BMPs such as installation of mufflers on equipment and performing construction during daytime.</p>
<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The property is identified as being within the Coastal Plain Sole Source Aquifer (see NCR39559_Sole_Source_Aquifer_Map_NCR_TO1046). According to site plans provided by the applicant, no increase in impervious surface area is required or proposed for this project. Atlantic City Municipal Utilities Authority is responsible for waste water/sanitary sewer utilities and the Atlantic County Utilities Authority supplies the project area with potable water. The project involves reconstructing the boardwalk in its previously-existing location. No additional impervious surface is proposed as part of this project and in addition, because the project is proposed within an entirely developed area and water/sewerage utilities are municipally-supplied, consultation with the USEPA Region 2 is not required.</p>

<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The USFWS IPaC search results (see “NCR39559_IPAC”) indicate that based on National Wetland Inventory (NWI) mapping, estuarine and marine wetlands are within the project area. It is noted, however, that according to the NJDEP GIS tool and observations made during the site reconnaissance, no wetlands are located on-site or adjacent to the site. See NCR39559_WetlandProtectionMap_NCR_TO1046. Therefore, the project is not anticipated to impact freshwater or coastal wetlands. Furthermore, no coastal wetland permits were included in the property’s DLUR permit (see 3. Coastal Zone Management above) and the DLUR’s response stated that as long as the project activities do not change, no additional DLUR permits were necessary (see NCR39559_DLUR and “CAFRA Permit Approval”).</p>
<p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The Wild and Scenic Rivers Act of 1968 protects selected rivers in a free-flowing condition (16 U.S.C. 1271) and prohibits federal support for activities that would harm a designated river's free-flowing condition, water quality, or outstanding resource values.</p> <p>Five designated Wild and Scenic rivers are located within the State of New Jersey; the Delaware (Lower) River, Delaware (Middle) River, Great Egg Harbor River, Maurice River and the Musconetcong River. The nearest river is the Great Egg Harbor River, which is approximately 7.8 miles to the west of the project area (see NCR39559_WildandScenicRiverMap_NCR_TO1046). This distance is greater than the 1 mile buffer zone. Therefore, consultation with the National Park Service is not required.</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)]

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:

Newark Liberty International Airport is located approximately 100 miles to the north of the project. Atlantic City International Airport is located approximately 10 miles to the west of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 45 miles north of the project. The project is not within 15,000 feet of a military air field or 2,500 feet from the end of a civilian airport runway. The project is therefore not within an Airport Clear Zone or Accident Potential Zone (see NCR39563_AirportHazardsMap_NCR_TO1036).

[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 are also uninhabited. Therefore, no project activities would occur on designated coastal barriers or in "otherwise protected areas," and the proposed project would have no impact on coastal barrier resources. The nearest CBRS unit is NJ-08P which is located approximately 8 miles to the southwest. See NCR39563_CoastalBarrierResourceActMap_NCR_TO1046.

[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: *See NCR39559_FloodplainMgmtNFIPNotInFloodway_NCR_TO1046.pdf.*

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): *Site visit conducted on September 11, 2014; completed by Mr. Lawrence Smith, Senior Planner and Mr. Gary Doss, Environmental Planner.*

Summary Statement of Findings and Conclusions: *Based on the findings of this environmental review, the proposed project will have a net benefit on the project area.*

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.)

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.*

Noise

1. *Outfit all equipment with operating mufflers.*
2. *Comply with the applicable local noise ordinance.*

Air Quality

Project activities must meet the regulatory requirements of New Jersey's Air Rules and Air Pollution Controls (see NCR39559_AirQualityMemo_NCR_TO1046). In addition, the following must be met:

1. *Use water or chemical dust suppressant in exposed areas to control dust.*
2. *Cover the load compartments of trucks hauling dust-generating materials.*
3. *Wash heavy trucks and construction vehicles before they leave the site.*
4. *Reduce vehicle speed on non-paved areas and keep paved areas clean.*
5. *Retrofit older equipment with pollution controls.*
6. *Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.*
7. *Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.*
8. *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).*
9. *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).*

10. *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).*
11. *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.*

Coastal Zone Management Act

The project is located within the CAFRA zone and Waterfront Development regulated area. See NCR39559_CoastalZoneManagementActMapCAFRA_NCR_TO1046. Based on the information provided by the applicant and correspondence with the NJDEP Division of Land Use Regulation (DLUR), a CAFRA permit has been granted for portions of the project above the mean high water line (MHWL) and a Waterfront Development permit has been granted for portions of the project below the MHWL. According to DLUR, as long as there are no further changes to the project, no further consultation with DLUR is necessary. See correspondence with DLUR in the supporting documentation.

The project proposes impacts above and below the mean high water line and is therefore subject to US Army Corps of Engineers (ACOE) jurisdiction. It is noted that the ACOE will be constructing the seawall and revetment portion of the project and will handle all applicable permitting requirements for the portions of the project be undertaken by the ACOE.

Floodplain Management and Flood Insurance

1. *All proposed reconstruction, substantial improvements, and elevation activities 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).*
2. *All structures funded by the CDBG-DR programs, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, 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)]. This means no funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.*
3. *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)].*
4. *In the case of "Coastal High Hazard" areas ("V" or "VE" Zones on the latest (most recent) FEMA-issued Maps), adhere to construction standards, methods and techniques requiring a registered professional engineer to either develop, review or approve, per the associated location, specific Applicant elevation plans that demonstrate the design meets the current standards for V zones in FEMA regulation 44 CFR 60.3(e) as required by HUD Regulation 24 CFR 55.1(c)(3).*

Energy Efficiency

All reconstruction, new construction and rehabilitation projects in the HUD CDBG programs must be designed to incorporate principles of sustainability, including water and energy efficiency, resilience and mitigation of the impact of future disasters.

Hazardous Waste

Based on applicant-provided documentation, asbestos containing materials (ACM) are present. For the locations of materials identified, please see the "AbseconInletConstrSpecs" document within

NCR39559_ApplicantFiles. The following must be met:

1. *All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:*
 - *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, 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.*
2. *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).*
3. *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.*
4. *Should impacted soils be encountered during construction, they should be excavated and properly disposed of at an off-site permitted disposal facility in accordance with all applicable local, state and federal regulations. In the event that the impacted soils constitute a reportable release, the appropriate information pertaining to the release and the responsible party should be provided to the New Jersey Department of Environmental Protection Hotline, and the impacted media remediated with the oversight of a Licensed Site Remediation Professional (LSRP).*

Soil and Water Quality

Obtain Cape-Atlantic Soil Conservation District Soil Erosion and Sediment Control Plan Certification. The following requirements will also be met.

1. *Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in waters and to prevent erosion in wetlands and waters.*
2. *Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.*