

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 _____ Cape May City
(Business/Corporate Name)

Project Location: 801 Lafayette Street

(Street Address)

Cape May

Cape May

New Jersey

(Municipality)

(County)

(State)

1061

50, 51, 52, 53 (partial), & 54 (partial)

(Block)

(Lots)

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.

Air Quality

3. Use water or chemical dust suppressant in exposed areas to control dust.
4. Cover the load compartments of trucks hauling dust-generating materials.
5. Wash heavy trucks and construction vehicles before they leave the site.
6. Reduce vehicle speed on non-paved areas and keep paved areas clean.
7. Retrofit older equipment with pollution controls.
8. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.

9. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.
10. 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.)
11. 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).
12. 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).
13. 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

14. If the applicant decides to pursue future activities consisting of construction of access roads, parking, detention basin, various park facilities and trails through wetlands, they are encouraged to contact NJDEP DLUR for a Jurisdictional Determination with respect to coastal zone management.

Threatened and Endangered Species

15. No clearing of trees over 5 inches in diameter breast height (dbh) shall occur between April 1 and September 30.

Hazardous Materials

16. The applicant shall conduct all Phase 1 project activities outside of the area proposed for soil excavation and any other actions associated with remediation of the former manufactured gas plant. The proposed soil excavation area is approximately 3 acres in area and is depicted in the attached file NCR39811_RemediationPlanMap_TO1054, by a yellow shaded area labeled “surface excavation area” in the legend. Project activities for future phases of Lafayette Park improvements located in areas with contamination associated

with the former manufactured gas plant shall only be conducted once remedial actions have been completed. The applicant shall conduct all project activities to avoid disturbance of long-term or permanent features of the remedial action (such as monitoring wells, soil caps [if used], and containment walls).

17. 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.
18. 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).
19. 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.
20. All residential structures must be free of mold attributable to Superstorm Sandy.
21. 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.
22. 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.

Floodplain Management

23. Phase 1 improvements appear to meet a Flood Hazard Area Permit-by-Rule pursuant to N.J.A.C. 7:13-7.2(b)6.
24. Any work proposed at or below elevation would be regulated by the Flood Hazard Area Control Act Rules (FHACAR).

Wetlands Protection

25. Wetlands are located approximately 20 feet away from the footprint of proposed project activities. If the project activities stay within the existing footprint or if the footprint of the project activities is relocated further away from the wetlands, using best management practices, there should be no adverse impact on the wetlands and no wetland permit or transition area waiver is required.
26. If the footprint of the proposed project activities is located within 150 feet of a wetland, it should not be relocated closer to the wetland. In addition, if the footprint of the proposed project activities is located more than 150 feet from a wetland, the footprint should not be relocated closer than 150 feet from any wetland.

- 27. If construction related to the picnic area, bocce court or site lighting results in grading, clearing or placement of structures within transition areas, then permits will be required pursuant to the Freshwater Wetlands Protection Act rules (N.J.A.C. 7:7A).
- 28. Landscaping within the transition area would be exempt provided native plants are used and fill is not placed. Improvements to irrigation are non-regulated provided that there are no new above-ground structures within the transition area.
- 29. If the applicant decides to pursue future activities consisting of construction of access roads, parking, detention basin, various park facilities and trails through wetlands, they shall contact NJDEP DLUR for a Jurisdictional Determination with respect to wetlands.

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:

Thomas Flis, Tetra Tech



February 20, 2015

Preparer Name and Agency

Preparer Signature

Preparer Completion Date

RE Certifying Officer Name

RE Certifying Officer Name

RE Certifying Officer Name

Funding Information:

Grant Number	HUD Program	Funding Amount
B-13-DS-34-0001	Neighborhood & Community Revitalization (NCR)	\$1,500,000

Estimated Total HUD Funded Amount:

The estimated total HUD funded amount is \$1,500,000.

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

The estimated total project cost is \$6,400,000.

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

The Neighborhood and Community Revitalization (NCR) program supports the long-term recovery of small businesses and recovery by funding long-term economic revitalization priorities and supporting business operations. The program assists in public facilities improvements; assists businesses in physical improvements, provides loans, loan guarantees and technical assistance to small businesses; and provides assistance towards façade and code-related improvements. Eligible grantees include redevelopment agencies, municipalities, businesses, and non-profit organizations.

The Lafayette Street Park Development (“proposed project”) is an NCR Recreation, Cultural and Park Land Amenities Project located in the heart of Cape May City, Cape May County. The purpose of this project is to revitalize the local community through renovation and improvement of the Lafayette Street Park facilities. This project is needed to address the current substandard condition of those park facilities.

Conceptual design for the park has been completed for the 38-acre full-purpose park that will include active and passive recreation, while planned project activities will take place within an approximately 7.5-acre footprint along Lafayette Street, as depicted on maps in this environmental review. The park design will incorporate green concepts and construction materials. The trails and facilities will be constructed with sustainable construction techniques and materials in mind.

The proposed project will contribute beneficially to the quality of life of local and regional residents, as well as visiting tourists. The Dellas Little League Baseball/Softball Field will be redesigned to accommodate both youth and adult baseball/softball activities with the provision of updated dugouts, refreshment stand, bleacher seating, lighting system, water fountain, and a grassy incline beyond the outfield which will accommodate relaxing fans and disguise the entire park’s storage areas underneath the incline. The picnic grove area will be situated between the rejuvenated and expanded Dellas Field and the new multi-purpose athletic field and practice baseball field. The picnic area will be conveniently located for players and fans as well as relaxing families and tourists who will be attracted by the environmentally pristine natural areas bordering the Cape Island Creek as well as the excitement on the playing fields. The addition of a multi-purpose athletic field, which will be designed and built to regulations for soccer play, will have the potential to host lacrosse and field hockey games/camps/clinics as well as general outdoor community events. The practice baseball field will be beneficial for youth and adult teams in the regional community. The provision of lighting and irrigation systems will heighten the availability, use, and flexibility of these fields throughout the calendar year.

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 consists of renovations and enhancements to Lafayette Street Park in the City of Cape May, New Jersey. Lafayette Street Park appears to have acquired its present configuration between 1963 and 1970 based on historical aerial photographs (see pages 22 – 23 of NCR39811_SHPO_Response_NCR_TO1054). In addition, the tax card indicates that 1.69 acres of the park property was built in 1967. Proposed improvements have been broadly identified in a conceptual plan prepared by a Temple University architectural design studio class, dated 2010 (see NCR39811_ConceptualDesign_NCR_TO1054). For this review, the undertaking is regarded as the full range of potential alterations, though at present only a portion of these improvements would be funded.

The Lafayette Street Park Development is an NCR Recreation, Cultural and Park Land Amenities Project located in the heart of Cape May City, Cape May County. Conceptual design for the park has been completed for the 38-acre, full-purpose park and includes active and passive recreation, while planned project activities will take place within an approximately 7.5-acre footprint along Lafayette Street (this “Phase 1” area is the subject of the current application for funding). The park design will incorporate green concepts and construction materials. The trails and facilities will be constructed with sustainable construction techniques and materials in mind.

Improvements under Phase 1 are planned for the northern portion of the park adjacent to Cape May City Elementary School. Proposed work comprises renovation of the practice baseball field and the multi-purpose field; development of a picnic area and a bocce court; and improvements to irrigation, site lighting, and landscaping.

The proposed project will contribute beneficially to the quality of life of local and regional residents, as well as visiting tourists. Future planned improvements include renovations to Dellas Field (the principal baseball field) and multiuse areas; construction of vehicle entrances, ring road and parking area; drainage and irrigation improvements, including detention basin; and development, replacement, or improvement of various park facilities, such as restroom, concession, administration, and storage structures and dog park. The Dellas Little League Baseball/Softball Field will be redesigned to accommodate both youth and adult baseball/softball activities with the provision of updated dugouts, refreshment stand, bleacher seating, lighting system, water fountain, and a grassy incline beyond the outfield which will accommodate relaxing fans and disguise the entire park’s storage areas underneath the incline. The picnic grove area will be situated between the rejuvenated and expanded Dellas Field and the new multi-purpose athletic field and practice baseball field. The picnic area will be conveniently located for players and fans as well as relaxing families and tourists who will be attracted by the environmentally pristine natural areas bordering the Cape Island Creek as well as the excitement on the playing fields. The addition of a multi-purpose athletic field, which will be designed and built to regulations for soccer play, will have the potential to host lacrosse and field hockey games/camps/clinics as well as general outdoor community events. The practice baseball field will be beneficial for youth and adult teams in the regional community. The provision of lighting and irrigation systems will heighten the availability, use, and flexibility of these fields throughout the calendar year. These future improvements are contingent upon receipt of additional funding, likely from non-NCR Program sources, and the completion of additional brownfield remediation by Jersey

Central Power and Light (JCP&L) at the former Cape May Manufactured Gas Plant Facility, which is located at the southern end of the park.

The proposed project addressed through environmental and historical review of the Lafayette Street Park improvements is the entire range of upgrades identified in the conceptual plan, not just those improvements to be undertaken as Phase 1. Considering the full range of improvements will ensure that appropriate “aggregation” of the activity occurs pursuant to US Department of Housing and Urban Development (HUD) regulations, even if no additional HUD funds are secured for future phases of work at the park. Brownfield remediation conducted by JCP&L pursuant to a pre-existing agreement with the New Jersey Department of Environmental Protection (NJDEP) at the southern end of the park is not considered part of this project. See attached project location map file NCR39811_ProjectLocationMap_NCR_TO1054; property tax card file NCR39811_Tax_Card_NCR_TO1054; and photolog file NCR39811_Photolog_NCR_TO1054.

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>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 proposed project is in compliance. Of the applicable activities, it involves demolition and new construction, but not change in land use, acquisition of undeveloped land, or major rehabilitation. Demolition would include existing recreational facilities and residences, and new construction would include new recreational facilities (including a picnic area and a bocce court) and improvements to irrigation, site lighting, and landscaping.</p> <p>According to the U.S. Environmental Protection Agency (USEPA), Cape May 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"> • a moderate nonattainment area for 8-hour ozone (1997 Standard) • a marginal nonattainment area for 8-hour ozone (2008 Standard) <p>There will be temporary, unavoidable increases in particulate matter levels during the proposed activities. While air quality will be temporarily affected during project 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 (see NCR39811_USEPA_NonAttainment-MaintenanceforNAAQS_NCR_TO1054).</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</p>

		<p>Sandy Recovery Environmental and Historic Preservation Review 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) (see NCR39811_RevisedGeneralConformityApplicability_NCR_TO1054 and NCR39811_NJDEP_AirQualityEmail_NCR_TO1054).</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>2. Airport Hazards (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. Of the applicable activities, it involves new construction, but not change in land use, acquisition of undeveloped land or major rehabilitation.</p> <p>The proposed project is not located within 2,500 feet from the end of Federal Aviation Agency-designated civilian airport Runway Clear Zone (RCZ), or within 15,000 feet from a military airfield runway Clear Zone (CZ) or Accident Potential Zone.</p> <p>The distances from the project site to the applicable civilian airports and military airfields are as follows:</p> <ul style="list-style-type: none"> • Newark Liberty International Airport is approximately 660,000 feet (125 miles) away from the project site; • Atlantic City International Airport is approximately 205,000 feet (39 miles); and • Lakehurst Naval Air Station is approximately 422,000 feet (80 miles) from the project site. <p>See attached file NCR39811_AirportClearZonesandAccidentPotentialZonesMap_NCR_TO1054.</p>
<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p>The proposed project is in compliance. Of the applicable activities, it involves new construction, but not acquisition of undeveloped land, change of land use, or major rehabilitation.</p> <p>Per the NJDEP HUD Environmental Review Tool, the proposed project is located within the Coastal Area Facility Review Act (CAFRA) zone, and is not within 150 feet of a mean high water line (see attached file NCR39811_CoastalZoneManagementActMapCAFRA_NCR_TO1054).</p> <p>Consultation with the NJDEP Division of Land Use Regulation (DLUR) resulted in a Jurisdictional Determination (see attached file NCR39811_DLUR_CoastalJWetlandsJD_NCR_TO1054), which, in addition to determinations regarding Wetlands and Flood Hazard</p>

		<p>Area permits, included the following determination with respect to Coastal Zone Management:</p> <ol style="list-style-type: none"> 1) A Waterfront Development permit is not required; 2) A CAFRA permit is not required as the proposed activities are not regulated pursuant to N.J.A.C. 7:7-2.1; and 3) Coastal Wetlands permit is not required. Coastal Wetlands are mapped on this site. However, no activity is proposed at or below the Upper Wetlands Boundary. <p>DLUR advised in the Jurisdictional Determination that the above determinations apply only to the identified Phase 1 activities and not to future activities on the property consisting of construction of access roads, parking, detention basin, various park facilities and trails through wetlands.</p> <p>In addition, DLUR made the following conditional requirements in the Jurisdictional Determination:</p> <ol style="list-style-type: none"> 1) If work is proposed on the site at or below [8.7 feet] ground elevation, then the project would be regulated by the FHACAR; 2) Landscaping within the [wetland] transition area is not regulated provided native plant species are utilized and fill is not placed; 3) Improvements to irrigation are non-regulated activities provided that there are no new above-ground structures within the transition area. <p>DLUR advised that, because some or all of the future activities will require permits, if the applicant decides to pursue additional activities, it is encouraged to contact DLUR.</p>
<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/> The proposed project is in compliance. Of the applicable activities, it involves demolition and new construction, but not acquisition, change of use to residential, or leasing.</p> <p>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 occupants of the property or conflict with the intended use of the property.</p> <p>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 (see NCR39811_ContaminationandToxicSubstancesMap _NCR_TO1054).</p> <p>The project site is not listed on a State or Federal Hazardous Waste sites database.</p> <p>The site reconnaissance performed on October 7, 2014, revealed no visible recognized environmental conditions (RECs) in the vicinity of the proposed project. There were no obstacles to identification of</p>

		<p>RECs. In addition, the proposed project site is not listed on a State or Federal Hazardous Waste sites database.</p> <p>All solid waste materials must be managed and transported in accordance with the state’s solid and hazardous waste rules. Lead and asbestos will be handled in accordance with all applicable federal, state and local regulations.</p> <p><u>Cape May Manufactured Gas Plant Facility</u></p> <p>The southern end of Lafayette Street Park, currently occupied by a dog park, basketball courts, and a tennis court, was formerly the site of the Cape May Manufactured Gas Plant facility (1853-1937). This portion of the park is not included in Phase 1 but is slated for improvement during future phases of work. Like many historical manufactured gas plants, the Cape May facility left a legacy of soil contamination that the successor owner, Jersey Central Power and Light (JCP&L), has been working to remediate under an agreement with the NJDEP since the mid-1990s.</p> <p>The applicant shall conduct all Phase 1 project activities outside of the area proposed for soil excavation and any other actions associated with remediation of the former manufactured gas plant. The proposed soil excavation area is approximately 3 acres in area and is depicted in the attached file NCR39811_RemediationPlanMap_TO1054, by a yellow shaded area labeled “surface excavation area” in the legend. Project activities for future phases of Lafayette Park improvements located in areas with contamination associated with the former manufactured gas plant shall only be conducted once remedial actions have been completed. The applicant shall conduct all project activities to avoid disturbance of long-term or permanent features of the remedial action (such as monitoring wells, soil caps [if used], and containment walls). Provided that all project work is conducted outside of the identified soil contamination area, it is not anticipated that the existing contamination will affect the health and safety of occupants of the property or conflict with the intended use of the property.</p> <p><u>Asbestos</u></p> <p>Lafayette Street Park appears to have acquired its present configuration between 1963 and 1970 (based on historical aerial photographs). During the October 7, 2014, site reconnaissance, several structures of concrete block construction were observed within the footprint of Phase 1, including a concession stand, two dugout structures and an announcer booth/storage building associated with Dellas Field, as well as a concession/storage building south of the practice baseball and multi-purpose field and south-southwest of the playground areas. Because the park was constructed prior to 1980 (see pages 22 – 23 of NCR39811_SHPO_Response_NCR_TO1054), asbestos is assumed to be present within associated park structures and is a potential concern. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the National Emission Standard for Asbestos, standard for</p>
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		<p>demolition and renovation, 40 CFR 61.145; National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations at 40 CFR 61.150; and 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. No reports documenting the performance of asbestos-containing materials surveys and/or inspections were provided for the proposed project.</p> <p><u>Lead</u></p> <p>Lafayette Street Park appears to have acquired its present configuration between 1963 and 1970 (based on historical aerial photographs). Because the park was constructed prior to 1978 (see pages 22 – 23 of NCR39811_SHPO_Response_NCR_TO1054), lead-based paint is assumed to be present within associated park structures and is a potential concern 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). In accordance with 24 CFR Part 35.155(a)(1), any property constructed prior to January 1, 1978 is required to 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. No reports documenting the performance of lead-based paint surveys and/or inspections were provided for the proposed project.</p> <p><u>Radon</u></p> <p>According to the NJDEP Radon Potential Map and Radon Potential by Municipality table, the proposed project is located in Tier 3, an area of low radon potential; therefore, no radon testing or mitigation is required (see NCR39811_NJDEP_RadonPotentialMap_NCR_TO1054).</p>
<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. Of the applicable activities, it involves demolition and new construction, but not change in land use, major rehabilitation or acquisition of undeveloped land.</p> <p>The environmental review considered potential impacts of the HUD-assisted proposed project to threatened and endangered (T&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&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 Endangered Species Act.</p> <p>The NJDEP ArcGIS Screening Tool Centroid layer indicates that no federally or state-listed T&E species are documented on the subject property. Review of the layers for piping plover, red knot, and bats (northern long-eared bat) reveal that only the bat T&E species layer overlaps the subject properties (see NCR39811_EndangeredSpeciesMap_NCR_TO1054). As the project</p>

		<p>will not involve the removal of any trees regardless of diameter or time of year (see NCR39811_MunicipalityNoClearingAuthorized_NCR_TO1054) and proposed activities will only involve the upgrade of existing recreational facilities without an increase in their current footprint (see NCR39811_ConceptualDesign_NCR_TO1054), the proposed project would have no effect on listed bat species.</p> <p>Consultation with the NJDEP State Forestry Services – Natural Heritage Program (NHP) determined, in the Table 1: On Site Data Request Search Results under the Rare Plants/Ecological Communities Possibly On Site category, that no rare plant species or ecological communities are documented on the proposed project site. Under the Rare Plants/Ecological Communities On Site/Immediate Vicinity category, NHP determined that one rare plant species, coastal-plain panic grass, is documented on or in the immediate vicinity (within a quarter of a mile) of the project site. In the Table 2: Vicinity Data Request Search Results, under the Rare Plants/Ecological Communities within the Vicinity category that two rare plant species/ecological communities (Oakes’ Evening-primrose and Carolina Petunia) are documented in the immediate vicinity (within one quarter of a mile) of the project site. NHP determined that with regard to wildlife species and habitats, seven foraging habitats (bald eagle, black-crowned night-heron, cattle egret, glossy ibis, little blue heron, snowy egret, and tricolored heron), one occupied habitat (Cope’s gray treefrog), and one concentration site (migratory raptor) are documented on the project site. With regard to rare wildlife species or wildlife habitats, 11 foraging habitats, one occupied habitat, one vernal pool breeding habitat, one nesting habitat and one concentration site are documented in the immediate vicinity (within a quarter of a mile) of the project site. In addition, NHP determined that a potential vernal pool habitat area and one animal species tracked by Endangered and Nongame Species Program (southeastern beach tiger beetle) are present on and/or in the immediate vicinity (within a quarter of a mile) of the project site (see attached file NCR39811_NaturalHeritageProgramResponse_NCR_TO1054).</p> <p>As the project will not involve the removal of any trees regardless of diameter or time of year (see NCR39811_MunicipalityNoClearingAuthorized_NCR_TO1054) and proposed activities will only involve the upgrade of existing recreational facilities without an increase in their current footprint (see NCR39811_ConceptualDesign_NCR_TO1054), the proposed project would have no effect on those rare plant species, wildlife habitats, and individuals.</p> <p>The USFWS IPaC landscape explorer tool was used to generate a list of any possibly federally listed plants species in the project vicinity. Results of this screening indicate that the only federally listed plant species in Cape May County is seabeach amaranth (<i>Amaranthus pumilus Raf.</i>). This species occurs on sandy, ocean beaches in eastern North America and its habitat is restricted to the narrow strip of land between the high tide line and the base of dunes. Because suitable habitat for seabeach amaranth is not</p>
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		<p>located on site and the proposed activities only involve the upgrade of existing recreational facilities within areas of concrete pads, gravel play areas, active baseball fields, or regulated maintained lawn, the proposed project will not affect seabeach amaranth. The tool identified 28 migratory birds within the vicinity of the project. Because tree cutting and vegetation removal are not part of the proposed action, the project will not affect migratory birds (see attached file NCR39811_USFWS_IPaC_Results_NCR_TO1054). The USFWS IPaC landscape explorer tool determined federally listed piping plovers and red knots may be impacted by the project, but the NJDEP ArcGIS Screening Tool and Centroid layers indicates that no federally or state-listed T&E species are documented on the subject property.</p>
<p>6. Environmental Justice [Executive Order 12898]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. Of the applicable activities, it involves demolition and new construction, but not change in land use, acquisition, major rehabilitation, or an adverse impact or condition with respect to an environmental issue.</p> <p>The area immediately surrounding the project site consists of relatively small minority populations of 10 - 20% (see attached file NCR39811_EnvironmentalJusticeMap_PercentMinority_NCR_TO1054). The percentage of minority populations is slightly above and slightly below that in other areas in the surrounding community. In the area immediately surrounding the project site, 0 - 10% of the population is at or below the poverty level (see attached file NCR39811_EnvironmentalJusticeMap_PercentBelowPoverty_NCR_TO1054). The poverty level demographics are consistent with the surrounding community. The population density in the area is between 1,000 and 5,000 people per square mile. The population density demographics are consistent with or slightly above those of the surrounding community.</p> <p>The proposed activities, which include renovations of a public park, would benefit the quality of life of community residents by providing a safer and more modern park with facilities for increased recreational activities.</p> <p>There will be no adverse environmental impact caused by the proposed action, nor is the proposed action subject to an adverse environmental impact. Based on this and the minority and poverty demographics of the community in which the proposed project is located, there are no disproportionately high and adverse human health and or environmental effects on minority or low-income populations. (See attached file NCR39811_EnvironmentalJusticeChecklist_NCR_TO1054.)</p>
<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The proposed project is in compliance. Of the applicable activities, it involves a project for industrial, commercial, institutional or recreational use, when the activity is new construction or change of land use, but not residential projects involving new construction, rehabilitation where unit density is increased, change of land use to residential, or vacant buildings made habitable.</p> <p>The definition of "HUD-assisted project" at 24 CFR 51.201 is predicated on whether the proposed project increases the number</p>

		<p>of people exposed to hazardous operations. As this project involves recreational use, it may result in such an increase. Review of aerial photography and field reconnaissance of the project location and its surrounding areas (up to one mile away) did not identify any large aboveground tanks within a one-mile radius of the project or any aboveground tanks within 1,000 feet of the project (See NCR39811_ExplosiveandFlammableOperationsMap_NCR_TO1054). Therefore, the proposed project and its activities are in compliance.</p>
<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is in compliance. Of the applicable activities, it involves new construction, but not acquisition of undeveloped land, conversion of undeveloped land, or site clearance.</p> <p>A review of the NJDEP’s HUD Environmental Review Tool indicated that the proposed project site does 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). However, according to the City of Cape May Zoning Map (2009), all of the property involved in the proposed project is zoned as “R3 – Medium Density Residential” (see attached file NCR39811_CapeMayCityZoningMap_TO1054). Therefore, the proposed project comprises “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.</p> <p>See attached file NCR39811_FarmlandProtectionMap_NCR_TO1054.</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The proposed project is in compliance. Of the applicable activities, it involves new construction, but not acquisition, disposition, financing or leasing of existing buildings, rehabilitation, or repair.</p> <p>The proposed project is not in a 100-year floodplain (A and V zones) or a floodway (see NCR39811_FloodplainManagementandFloodInsuranceMap_NCR_TO1054).</p> <p>A consultation was made with the DLUR. DLUR responded with a Jurisdictional Determination (see attached file NCR39811_DLUR_CoastalJDWetlandsJD_NCR_TO1054), which, in addition to determinations regarding Coastal Zone Management and wetlands, included the following determination with respect to Flood Hazard Area Permits:</p> <p>1) Phase 1 improvements appear to meet a Flood Hazard Area Permit-by-Rule pursuant to N.J.A.C. 7:13-7.2(b)6.</p> <p>In addition, DLUR made the following conditional requirement in the Jurisdictional Determination:</p> <p>1) If work is proposed on the site at or below [8.7 feet] ground elevation, then the project would be regulated by the FHACAR;</p> <p>DLUR advised in the Jurisdictional Determination that the determinations apply only to the identified Phase 1 activities and not to future activities on the property consisting of construction of access roads, parking, detention basin, various park facilities and</p>

			<p>trails through wetlands. Further, DLUR advised that if the applicant decides to pursue future activities, they are encouraged to contact DLUR.</p> <p>Although Phase 1 of this project is not located in a floodplain, areas that may be subject to future activities include structures (e.g., concessions, etc.) that likely are in the floodplain. Therefore, the need for floodplain insurance has been indicated in the 24 CFR 58.6 Checklist [24 CFR 50.4, 24 CFR 58.6], 3. Flood Disaster Protection Act section.</p>
<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 proposed project is in compliance. Of the applicable activities, it involves ground disturbance and demolition, but not new construction, acquisition, disposition, rehabilitation, or repair.</p> <p>The proposed project is not located within a mapped "Green Zone" and is within the boundary of the Cape May Historic District, which is both a National Historic Landmark (NHL) and a locally defined historic district. Two Secretary of the Interior Qualified Professionals, Christopher L. Borstel, Ph.D. (for archeology) and James C. Sexton (for historic architecture), conducted a review and determined that it is unlikely that the proposed project would affect directly or indirectly any historic or archeological resources listed in or potentially eligible for listing in the National Register of Historic Places (NRHP). On November 10, 2014, pursuant to 36 CFR 800.4(d)(1), the New Jersey Historic Preservation Office concurred with this finding (HPO Project No. 15-0603, Log No. K2014-009). The National Park Service (NPS), which administers the NHL program, was initially notified of the proposed project on October 10, 2014, with a project description and assessment of effects submitted on October 29, 2014. NPS submitted a response in which the agency concurred with the finding that the project will have no adverse effect on historic properties. The project description and assessment of effects were also provided to the Cape May Historic Preservation Commission (CMHPC) on October 29, 2014. As of February 9, 2015, no comments were received from CMHPC.</p> <p>See attached files NCR39811_HistoricPreservationExemptionZoneMap_NCR_TO1054, NCR39811_SHPO_Response_NCR_TO1054, NCR39811_NPS_CMHPC_RequestsForComment_NCR_TO1054, and NCR39811_NPS_Response_NCR_TO1054.</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>The proposed project is in compliance. It does not involve any 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>No residential or other noise-sensitive developments exist on the proposed project site and none will be constructed as part of the proposed project.</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 proposed project is in compliance. It does not involve any 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</p>

		<p>project is located in an area of a sole-source aquifer. The New Jersey Coastal Plain aquifer system underlies the proposed project site (see attached file NCR39811_SoleSourceAquifersMap_NCR_TO1054). Water and sewer services for the property is provided by the City of Cape May Water Department.</p> <p>A 1996 letter from USEPA to HUD regarding project requiring sole source aquifer review by USEPA (see NCR39811_1996 Memo-EPA-Sole Source Aquifer Review of HUD Projects_NCR_TO1054) states that the following activities would not create a significant hazard to public health and are therefore generally excluded from sole source aquifer review:</p> <ul style="list-style-type: none"> rehabilitations or improvements to infrastructure already in place, such as water and sewer line replacement, fire hydrant installations, curb cuts, building renovations that do not involve significant expansion, street light and sign installment, road repavement, etc. <p>The proposed project is improvement of an existing public recreational park and generally falls under the exclusion "improvements to infrastructure already in place."</p>
<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/> The proposed project is in compliance. Of the applicable activities, it involves construction, but not change in land use, acquisition of undeveloped land, or expansion of building footprint.</p> <p>A review using the NJDEP HUD Environmental Review Tool identified mapped wetlands located on the subject property along the northwest boundary near the northwest corner of the area of project activities (See attached file NCR39811_WetlandsProtectionMap_NCR_TO1054). A site reconnaissance conducted on October 7, 2014, did not indicate the presence of wetlands on the subject property, and the Phase 1 area was occupied by a graveled area containing outdoor fitness and playground equipment.</p> <p>Based on observations made during the onsite reconnaissance, it was determined that the wetland boundary is located more than 20 feet from the proposed activities. As the proposed activities only involve the upgrade of existing recreational facilities without an increase in their current footprint, using best management practices, there should be no adverse impact on the wetlands.</p> <p>Consultation with the NJDEP DLUR resulted in a Jurisdictional Determination (see attached file NCR39811_DLUR_CoastalJDWetlandsJD_NCR_TO1054), which, in addition to determinations regarding Coastal Zone Management, included the following determinations with respect to wetlands:</p> <ol style="list-style-type: none"> Coastal Wetlands permit is not required. Coastal Wetlands are mapped on this site. However, no activity is proposed at or below the Upper Wetlands Boundary. DLUR stated that if construction related to the picnic area, bocce court or site lighting results in grading, clearing or

			<p>placement of structures within transition areas, then permits will be required pursuant to the Freshwater Wetlands Protection Act rules (N.J.A.C. 7:7A).</p> <p>DLUR advised in the Jurisdictional Determination that the above determinations apply only to the identified Phase 1 activities and not to future activities on the property consisting of construction of access roads, parking, detention basin, various park facilities and trails through wetlands. Further, DLUR advised that, because some or all of the future activities will require permits, if the applicant decides to pursue future activities, they are encouraged to contact DLUR.</p>
<p>14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The proposed project is in compliance. Of the applicable activities, it involves new construction, but not acquisition of undeveloped land, change in land use, or major rehabilitation.</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 Rivers Systems located within Cape May County. The proposed project is not located within one mile of a designated Wild and Scenic River. The nearest Wild and Scenic River, the Great Egg Harbor River, is located approximately 21 miles (~112,000 feet) to the northeast of the proposed project (see attached file NCR39811_WildandScenicRiversBufferZoneMap_NCR_TO1054).</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 NCR39811_AirportClearZonesandAccidentPotentialZonesMap_NCR_TO1054.

[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 NCR39811_CoastalBarrierResourcesMap_NCR_TO1054.)

[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:

The presence of a Special Flood Hazard Area was determined by using the NJDEP's HUD Environmental Review Tool. It has been determined that the entire proposed project is not located in a 100-year floodplain. (See attached file NCR39811_FloodplainManagementandFloodInsuranceMap_NCR_TO1054.) Phase 1 of this project is not located in a floodplain and therefore does not require flood insurance. However, the areas potentially subject to future activities are in the floodplain. Therefore, any associated structure (defined under 44 CFR 59, National Flood Insurance Program, as an aboveground walled and roofed building) that is a part of these activities will require NFIP flood insurance. This is reflected in this section.

[Proceed with project.]

Yes. Cite or attach Source Documentation:

4. 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):

Vadim Petrov, Tetra Tech, performed the site reconnaissance on October 7, 2014.

Summary Statement of Findings and Conclusions:

Based upon completion of this environmental review of the proposed project, there will be no significant changes to existing environmental conditions across the impact categories implemented by HUD in response to the National Environmental Policy Act of 1969.

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.

Air Quality

3. Use water or chemical dust suppressant in exposed areas to control dust.
4. Cover the load compartments of trucks hauling dust-generating materials.
5. Wash heavy trucks and construction vehicles before they leave the site.
6. Reduce vehicle speed on non-paved areas and keep paved areas clean.
7. Retrofit older equipment with pollution controls.
8. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.
9. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.
10. 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.)

11. 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).
12. 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).
13. 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

14. If the applicant decides to pursue future activities consisting of construction of access roads, parking, detention basin, various park facilities and trails through wetlands, they are encouraged to contact NJDEP DLUR for a Jurisdictional Determination with respect to coastal zone management.

Threatened and Endangered Species

15. No clearing of trees over 5 inches dbh shall occur between April 1 and September 30.

Hazardous Materials

16. The applicant shall conduct all Phase 1 project activities outside of the area proposed for soil excavation and any other actions associated with remediation of the former manufactured gas plant. The size of the proposed soil excavation area is approximately 3 acres and is depicted on the attached file NCR39811_RemediationPlanMap_TO1054, by a yellow shaded area labeled “surface excavation area” in the legend. Project activities for future phases of Lafayette Park improvements located in areas with contamination associated with the former manufactured gas plant shall only be conducted once remedial actions have been completed. The applicant shall conduct all project activities to avoid disturbance of long-term or permanent features of the remedial action (such as monitoring wells, soil caps [if used], and containment walls).
17. 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.
18. 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).
19. 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.

20. All residential structures must be free of mold attributable to Superstorm Sandy.
21. 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.
22. 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.

Floodplain Management

23. Phase 1 improvements appear to meet a Flood Hazard Area Permit-by-Rule pursuant to N.J.A.C. 7:13-7.2(b)6.
24. Any work proposed at or below elevation would be regulated by the FHACAR.

Wetlands Protection

25. Wetlands are located approximately 20 feet away from the footprint of proposed project activities. If the project activities stay within the existing footprint or if the footprint of the project activities is relocated further away from the wetlands, using best management practices, there should be no adverse impact on the wetlands and no wetland permit or transition area waiver is required.
26. If the footprint of the proposed project activities is located within 150 feet of a wetland, it should not be relocated closer to the wetland. In addition, if the footprint of the proposed project activities is located more than 150 feet from a wetland, the footprint should not be relocated closer than 150 feet from any wetland.
27. If construction related to the picnic area, bocce court or site lighting results in grading, clearing or placement of structures within transition areas, then permits will be required pursuant to the Freshwater Wetlands Protection Act rules (N.J.A.C. 7:7A).
28. Landscaping within the transition area would be exempt provided native plants are used and fill is not placed. Improvements to irrigation are non-regulated provided that there are no new above-ground structures within the transition area.
29. If the applicant decides to pursue future activities consisting of construction of access roads, parking, detention basin, various park facilities and trails through wetlands, it shall contact NJDEP DLUR for a Jurisdictional Determination with respect to wetlands.