

ENVIRONMENTAL ASSESSMENT

Determinations and Compliance Findings for HUD-Assisted Projects

24 CFR Part 58

Responsible Entity: New Jersey Department of Community Affairs, Charles A. Richman, Acting Commissioner

Applicant Name: _____ (First) _____ (Last)

-or- _____ Ohana Enterprises, LLC _____ (Business/Corporate Name)

Project Location: _____ 3006 Route 37 West _____ (Street Address)

_____ Toms River _____ (Municipality) _____ Ocean _____ (County) NJ _____ (State)

_____ 1080.05 _____ (Block) _____ 4, 7, 8, 9, and 10 _____ (Lot)

Conditions for Approval [40 CFR 1505.2(c)]: (List all mitigation and project modification measures required by the Responsible Entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as required. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.)

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

The noise standards of 24 CFR 51 Subpart B are applicable 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 project is a commercial operation, which is not considered a noise sensitive use; therefore, a Day/Night Noise Level (DNL) calculation does not need to be conducted for the property. However, to minimize impacts to nearby properties, the applicant should comply with the following:

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 "SBL39568_AirQualityMemo.pdf"). 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.

Species of Concern

According to the USFWS Information, Planning and Conservation System (IPaC), Knieskern's beaked-rush (threatened), Seabeach amaranth (threatened), Swamp pink (threatened) and the northern long-eared bat (threatened) may be present within the proximity of the site. According to the NJDEP GIS tool, the site is bordering upon potential habitat for federally-threatened bat species. This habitat is identified as being within the right-of-way for Fischer Boulevard, adjacent to the east of the property. It is noted that, 1) no bat species were identified on NHP results and 2) the area identified as potential bat habitat is not on-site (i.e., outside of the footprint of the existing structure and the area of proposed disturbance). However due to the species mobility, on-site trees greater than 10-inches in diameter may be potential habitat for this species. These trees are proposed for removal as part of the project. Timing restrictions for tree removal will be in place; removal of trees greater than 10 inches in diameter is prohibited between April 1st and September 30th. The NJDEP Division of Fish and Wildlife, Endangered and Nongame Species Program (ENSP) was consulted and concurred with these timing restrictions (see SBL39568_ENSP_Response).

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.

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. The site is completely located within the 100-year floodplain (see SBL39568_FloodplainMgmtandFloodInsuranceNFIPNotInFloodway). The site is within Zone AE, with a base flood elevation (BFE) of 7 feet (it is noted that the AE zone is a subset of the A zone, as shown on the GIS map). According to the applicant, the proposed building will be constructed such that the finished slab, HVAC and electrical equipment are all elevated one foot above the BFE. The basement will be fully enclosed for containment purposes in the event of a spill. Due to the project's location and the proposed improvements, the project is subject to a Flood Hazard Area (FHA) Control Act Individual Permit. A NJDEP FHA Individual Permit would need to be prepared and submitted. Permit materials will include the required permit plans, construction details and notes, Engineering Reports, compliance statement, Environmental Reports, sequence of construction, application form, checklists, figures, public notifications, photos, technical appendices, and fee check.*

Hazardous Waste

No construction dates for the building were identified on tax assessment information; however, based on a review of historic aerial imagery (see SBL39568_1986HistoricAerialMap and SBL39568_1995HistoricAerialMap), the property's existing improvements were constructed between 1986 and 1995. Based on this construction date, lead based paint (LBP) and asbestos containing materials (ACMs) are not considered a concern to the property. If, however, suspect ACM and/or LBP are encountered, these materials must be properly assessed and abated. All activities must comply with applicable federal, state and local laws and regulations regarding ACM and LBP, including but not limited to the 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 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, NJSA 34:5A-32 et seq.

The property has documented groundwater impacts from its previous underground storage tanks (USTs). According to documentation provided by the site's current Licensed Site Remediation Professional (LSRP, see "Toms River 138520 Case Inventory Document.pdf" within the Applicant Documents folder) three steel

gasoline USTs (two 8,000-gallon tanks and one 6,000-gallon tank) were removed from the site in 1990. At that time the property was owned and operated by Motiva, who redeveloped the property into its current configuration (the subject parcel has been used as a gasoline station since at least the 1970s). A soil and groundwater investigation was conducted as part of the UST removal and replacement work in 1989 and 1990. Contaminants including petroleum hydrocarbons, volatile organic compounds (VOCs), benzene, toluene, ethylbenzene and xylenes were identified in soil and groundwater samples taken during the investigation. NJDEP confirmed that the Areas of Concern (AOCs) were successfully delineated and a Classification Exception Area (CEA) for groundwater was established on June 30, 1997 for benzene, toluene, ethylbenzene and xylenes, which extends off-site to the southeast. The LSRP for the site, who is under contract to Motiva, is in the process of submitting a Remedial Action Permit (RAP) with a revised CEA. Upon receipt of an approved RAP and revised CEA, the LSRP will issue a Response Action Outcome (RAO) for the site. According to Motiva correspondence from February 11, 2015, Motiva has recognized that they are responsible for the continued cleanup from these previously-identified impacts (see "Statement of Environmental Responsibility - 3006 Route 37 East Toms River NJ.pdf" within the Applicant Document folder). Motiva has stated, "it is understood Motiva continues to address environmental conditions at the site related to its former operations. Motiva has and will continue to meet agency directives for petroleum contamination related to its former operations."

Because Motiva has recognized they are liable in the environmental cleanup from the previous tanks, and is continuing these cleanup operations, no further action is required from the applicant regarding the previous release. However, should additional impacted soils/groundwater be encountered during construction that are determined to be from the existing system and/or occurred during the current owner's operation of the site, they should be remediated and/or 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 an LSRP. To ascertain whether a new release has occurred, the applicant and Motiva should monitor construction activities as the project moves forward to establish liability.

Hazards and Nuisances, Including Site Safety

Site safety during construction can be managed through the use of Best Management Practices (BMPs) (e.g., perimeter fencing) during construction operations. In addition, use of BMPs and industry standard practices (e.g., high visibility signage) can help improve site safety during the property's normal operation.

Soil and Water Quality

The project is not located on steep slopes. The threshold for Sediment Control Plan Certification is 5,000 square feet. The project will involve disturbing greater than 5,000 square feet; therefore, the applicant will need to obtain Ocean 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.

Sole Source Aquifers

The property receives municipal water from United Water and sewer utilities from the Toms River Municipal Utilities Authority, however, the property is also identified as being within the Coastal Plain Sole Source Aquifer (see SBL39568_SSAMap). The property is not exempt from EPA review (i.e., any facility that will store, transport, generate or use hazardous substances on site; any facility that has above or underground storage tanks; and any facility that has had previous documented releases). Therefore, the project does not meet the conditions of the EPA Region 2 Sole Source Aquifer Memo (see "SSA_Memo.pdf" within the "EPA_SSA" folder in the "Correspondence" folder in the "Correspondence" supporting document folder) and formal consultation with the EPA was required.

Dewberry consulted with the EPA on March 11, 2015. The EPA responded via letter dated April 15, 2015 stating that the project meets the requirements of the Safe Drinking Water Act of 1974 Section 1424(e) as long as the following conditions are met:

1. The basement must have no drains in the event of a spill and be completely sealed ("flood-proofed"). In the event a spill does occur, proper procedures must be undertaken to ensure clean-up.
2. Fill ports and vent pipe outlets be placed above the base flood elevation to reduce the risk of release should a flood occur in the future.
3. It is recommended that stormwater be diverted from the area above or around the underground fuel storage tanks.
4. The applicant must meet appropriate NJDEP requirements for the operation and maintenance of USTs.

The EPA also offered additional comments for ways that the project can minimize its environmental impact, including:

1. Utilize local and recycled materials in construction, and recycle materials generated on-site (i.e., demolition debris) as much as possible.
2. Utilize cleaner fuel and limit vehicle idling.
3. Construct bioretention facilities, rain gardens, vegetated rooftops and other Low Impact Development (LID) options to minimize stormwater impacts.

For a complete list of the EPA's conditions, please refer to their letter response (SBL39568_SSA_Response) located within the "EPA_SSA" folder in the "Correspondence" supporting document folder.

FINDING:

Finding of No Significant Impact (FONSI) [24 CFR 58.40(g)(1); 40 CFR 1508.27]

(The project will not result in a significant impact on the quality of the human environment.)

Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]

(The project may significantly affect the quality of the human environment.)

CERTIFICATIONS:

Michelle Measday, Dewberry
Preparer Name and Agency

Michelle Measday

Preparer Signature

4/24/2015

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	\$1,995,903*

Estimated Total HUD Funded Amount: \$1,995,903*

Estimated Total Project Cost [24 CFR 58.32(d)]: (HUD and non-HUD funds) \$1,995,903*

* The project’s grant application states that the project cost/funding amount is \$1,990,000.00; however, NJEDA stated that they have revised this amount to \$1,995,903. See NJEDA correspondence (SBL39568_EDA_Funding.pdf, within the NJEDA correspondence folder).

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

The purpose of this project is to reconstruct a gas station and car wash that is located within a community that has experienced considerable damage to retail and commercial resources as a result of Superstorm Sandy. The proposed project includes redevelopment of this facility to provide additional automotive services, such as oil changes and minor automotive repairs. The facility’s location along Route 37, a key local east/west thoroughfare, makes it particularly accessible to the local community.

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 subject property consists of five parcels containing an existing Shell gas station located at 3006 Route 37 West. According to GIS information, the property is approximately 1.16 acres in size. Publicly available historical aerial photographs from www.historicaerials.com show no development on the subject property until approximately the 1960s and 1970s (see SBL39568_1972HistoricAerialMap.pdf) when the land was developed for a gas station. The station was replaced sometime between 1986 and 1995 with the existing building and dispenser island (see SBL39568_1986HistoricAerialMap and SBL39568_1995HistoricAerialMap).

According to the NJDEP/NJDEA Grant Application, the existing building is an approximately 2,400 square foot (SF) pre-fabricated single story convenience store with an attached car wash. The building was initially proposed to be replaced with a new, approximately 4,000 SF structure incorporating an 80-foot long car wash tunnel, retail area, and three oil change/detailing bays. The fueling area would be downsized from six fueling dispensers oriented in two (2) rows to a single row of four (4) dispensers. This would decrease the number of fueling positions from twelve (12) to eight (8). The equipment would be modernized and the existing piping, fill ports, and containments related to the UST system would be replaced and brought to current code. The three existing USTs, however, will be retained and will continue to be used on-site. The Project would implement the use of renewable energy (solar panels) on the canopy structure over the fuel dispenser islands, and the car wash would utilize an advanced water recycling system.

Subsequent to the concept design described above, modifications were made that include the construction of a self-contained basement beneath the proposed repair bays. The applicant determined that a basement would be required for storage and would allow for more efficient and economical automotive servicing and oil changes. In addition, the car wash tunnel was increased in length from 80 feet to 100 feet and the associated equipment room was enlarged by approximately 200 SF. A second floor would be incorporated in the design over the retail and service area for an office and storage.

Please refer to the applicant's Concept Layout "B" for the proposed site layout. It is noted that this site plan does not reflect the updated scope of work (see "8526-COLA-3-2014.pdf" and "Ohana Shell NJEDA Concept Changes", which outline concept changes to Concept Layout "B" within the applicant documentation folder). The applicant has indicated that they do not currently have any site plans that illustrate the basement component, additional 20 feet to the car wash tunnel and second story.

The Project will be managed in six (6) phases listed below:

- *Planning and permitting*
- *Demolition*
- *Fueling area redevelopment, and UST modernization*
- *Primary structure reconstruction*
- *Equipment and furnishing installation*
- *Paving, landscaping & signage*

Existing Conditions and Trends [24 CFR 58.40(a)]: (Describe the existing conditions of the project area and its surroundings, and the trends likely to continue in the absence of the project.)

The proposed project is within Toms River Township in an area characterized by commercial and retail businesses, as well as single family residential. The property is located on the corner of Route 37 West and Fischer Boulevard. Toms River Township was heavily impacted by floodwaters from Superstorm Sandy. The reconstruction of this business will contribute to the revitalization of the New Jersey coastal communities following the impacts of Superstorm Sandy. In the absence of the current project, the property and business would remain vulnerable to flooding during storm events.

PART I: 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 Ocean County, which is shown as being designated a nonattainment or maintenance area for the following National Ambient Air Quality Standard (NAAQS) pollutants (see SBL39568_AirQualityMap):</p> <ul style="list-style-type: none"> • 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>Project activities must meet the regulatory requirements of New Jersey’s Air Rules and Air Pollution Controls (see SBL39568_AirQualityMemo). The project will involve the demolition of the existing building and dispenser island and construction of a new building and dispenser island. 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>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>Newark Liberty International Airport is located approximately 50 miles to the north of the project. Atlantic City International Airport is located approximately 41 miles to the southwest of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 13 miles northwest 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 SBL39568_AirportHazardsMap).</p>
<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>The property is located within the CAFRA zone; however, the property is not located within 150 feet of the mean high water line (MHWL)(see SBL39568_CoastalZoneManagementActMapCAFRA). Therefore, no CAFRA permits are required.</p> <p>In addition, according to the NJDEP Division of Land Use Regulation (DLUR), no Waterfront Development or Coastal Wetland permitting is required (see SBL39568_DLUR Response, within the “DLUR” folder, within the “Correspondence” folder).</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"/></p>	<p>No hazardous sites were identified within 3,000 feet of the project (see SBL39568_ToxicHazardousandRadioactiveSubstancesMap). In addition, no evidence of contamination was observed during the site visit.</p> <p>The property is within Toms River Township, which has been identified as a Tier 3 area of low radon potential (see SBL39568_RadonMap). Therefore, no further assessments regarding radon are necessary at this time.</p> <p>The property currently contains the following underground storage tanks:</p> <ul style="list-style-type: none"> • One 12,000-gallon double-walled fiberglass diesel fuel UST - The proposal calls for re-using this existing tank. • Two 12,000-gallon double-walled fiberglass gasoline fuel USTs – The proposal calls for re-using these existing tanks. <p>There have been no reported releases from the property’s current tanks. However, the property has documented groundwater impacts from its previous USTs. According to documentation provided by the site’s LSRP (see “Toms River 138520 Case Inventory Document.pdf” within the Applicant Documents folder) three steel gasoline USTs (two 8,000-gallon tanks and one 6,000-gallon tank) were removed from the site in 1990. At that time the property was owned and operated by Motiva, who redeveloped the property into its current configuration (the subject parcel has been used as a gasoline station since at least the 1970s). A soil and groundwater investigation was conducted as part of the UST removal and replacement work in 1989 and 1990. Contaminants including petroleum hydrocarbons, volatile organic compounds (VOCs), benzene, toluene, ethylbenzene and xylenes were identified in soil and groundwater samples taken during the investigation. NJDEP confirmed that the Areas of Concern (AOCs) were successfully delineated and a Classification Exception Area (CEA) for groundwater was established on June 30, 1997 for benzene, toluene, ethylbenzene and xylenes, which extends off-</p>

		<p>site to the southeast. The LSRP for the site, who is under contract to Motiva, is in the process of submitting a Remedial Action Permit (RAP) with a revised CEA. Upon receipt of an approved RAP and revised CEA, the LSRP will issue a Response Action Outcome (RAO) for the site. According to Motiva correspondence from February 11, 2015, Motiva has recognized that they are responsible for the continued cleanup from these previously-identified impacts (see "Statement of Environmental Responsibility - 3006 Route 37 East Toms River NJ.pdf" within the Applicant Document folder). Motiva has stated, "it is understood Motiva continues to address environmental conditions at the site related to its former operations. Motiva has and will continue to meet agency directives for petroleum contamination related to its former operations."</p> <p>Because Motiva has recognized they are liable in the environmental cleanup from the previous tanks, and is continuing these cleanup operations, no further action is required from the applicant regarding the previous release. However, should additional impacted soils/groundwater be encountered during construction that are determined to be from the existing system and/or occurred during the current owner's operation of the site, they should be remediated and/or 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 an LSRP. To ascertain whether a new release has occurred, the applicant and Motiva should monitor construction activities as the project moves forward to establish liability.</p>
<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p>The property is not mapped as potential habitat for Red Knot or Piping Plover. While potential bat habitat is mapped nearby on adjacent Fischer Boulevard, none of the subject lots are identified as being potential bat habitat. See SBL39568_EndangeredSpeciesMap.</p> <p>The NJDEP GIS Centroid Layer indicates that no federal or state-listed species habitat is present (see SBL39568_EndangeredSpeciesCentroidMap). According to the NJDEP Natural Heritage Program (NHP) response, the property does not contain potential habitat for threatened or endangered species. However, numerous state-threatened or endangered, and state-listed avian species of concern are identified as having potential nesting, breeding or foraging habitat within a one mile radius of the site (see Table 1 and Table 2 within SBL39568_NHP_Response).</p> <p>Notwithstanding the above information, the listings are over one-mile from the subject property, which is located along a busy transportation corridor. Therefore, the subject property is not likely suitable foraging or nesting habitat for any listed species.</p>

		<p>According to the USFWS Information, Planning and Conservation System (IPaC), Knieskern’s beaked-rush (threatened), Seabeach amaranth (threatened), Swamp pink (threatened) and the northern long-eared bat (threatened) may be present within the proximity of the site. According to the NJDEP GIS tool, the site is bordering upon potential habitat for federally-threatened bat species. This habitat is identified as being within the right-of-way for Fischer Boulevard, adjacent to the east of the property. It is noted that, 1) no bat species were identified on NHP results and 2) the area identified as potential bat habitat is not on-site (i.e., outside of the footprint of the existing structure and the area of proposed disturbance). However due to the species mobility, on-site trees greater than 10-inches in diameter may be potential habitat for this species. These trees are proposed for removal as part of the project. Timing restrictions for tree removal will be in place; removal of trees greater than 10 inches in diameter is prohibited between April 1st and September 30th. The NJDEP Division of Fish and Wildlife, Endangered and Nongame Species Program (ENSP) was consulted and concurred with these timing restrictions (see SBL39568_ENSP_Response).</p> <p>Knieskern’s Beaked Rush and Swamp Pink typically occur in wetland environments. No wetlands are present on the property; therefore, it is not anticipated that either species would be encountered on the property. Seabeach Amaranth typically inhabits dune environments. No dunes are present on the subject property; therefore, it is not anticipated that this species would be encountered on the property.</p>
<p>6. Environmental Justice [Executive Order 12898]</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p>The project is located within an area where 10 to 20 percent of the population is below the poverty line. In addition, while the subject census block contains zero minorities (there are no residences within the subject census block), the surrounding area does contain census blocks that are between 10 -40 percent minority. See SBL39568_EJPovertyMap, SBL39568_EJMinorityMap and SBL39568_EJChecklist. However, based on its scope, the project will not have an adverse impact on these populations.</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 will demolish and reconstruct existing structures on the property. The three existing USTs will remain in place with minor upgrades to piping. Because they do not represent an explosive concern, USTs are not subject to the requirements of 24 CFR 51 Subpart C. Therefore, the project is in compliance with the requirements of 24 CFR Part 51C.</p>
<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly section 1504(b) & 1541; 7 CFR 658]</p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p>The project is within areas mapped as prime farmland (see SBL39568_FarmlandProtectionSoilsMap). It is noted, however, that the subject property is not agricultural in use and the project will not involve the conversion of farmland into non-agricultural uses. Furthermore, the property is currently zoned Highway Business, which is not an agricultural zone, and the project is in conformance with that zoning. Therefore, the project will not impact farmland.</p>
<p>9. Floodplain Management [24 CFR 55; Executive Order 11988,</p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p>The site is completely located within the 100-year floodplain (see SBL39568_FloodplainMgmtandFloodInsuranceNFIPNotInFloodway).</p>

<p>particularly section 2(a)]</p>		<p>The site is within Zone AE, with a base flood elevation (BFE) of 7 feet (the AE zone is a subset of the A zone, as shown on the GIS map). According to the applicant, the proposed building will be constructed such that the finished slab, HVAC and electrical equipment are all elevated one foot above the BFE. The basement will be fully enclosed for containment purposes in the event of a spill. The basement was determined to be a necessary project component by the applicant because it would enable more efficient vehicle servicing; without the basement, the project may not be as economically viable.</p> <p>Because the project will involve an increase in square footage of the building, within the floodplain, greater than 300 square feet over what is currently present, the project is subject to a Flood Hazard Area Control Act Individual Permit which would need to be prepared and submitted to the NJDEP DLUR. Permit materials will include the required permit plans, construction details and notes, Engineering Reports, compliance statement, Environmental Reports, sequence of construction, application form, checklists, figures, public notifications, photos, technical appendices, and fee check.</p> <p>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 March 27, 2015 with a comment period of 15 days (Step 2 of the 8 Step). No comments were received from the public notice. A copy of the 8-step checklist, the 8-step analysis and public notifications can be found in the supporting documentation (see folder SBL39568_8Step).</p> <p>In addition, a request for comment on the project was submitted to the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS), National Parks Service (NPS), U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (EPA), USFWS and HUD. The required 15 calendar days were allowed for public and agency comment. No agency comments were received, except for the following:</p> <ul style="list-style-type: none"> • USACE responded on March 30, 2015 that the project is located outside the jurisdiction of the USACE authority and that USACE permits are not required. • NMFS responded on March 26, 2015; however, the comments were in regard to endangered species concerns, not floodplain impacts. NMFS stated that no species under NMFS jurisdiction were expected to occur within the project area; therefore, no Endangered Species Act (ESA) Section 7 consultation was necessary. <p>Copies of these comments can be found within the SBL39568_8Step folder.</p> <p>Steps 1-6 have been conducted (see folder SBL39568_8Step). Step 7 (Determination of No Practicable Alternative) involves the publication of a Findings and Public Explanation 15-day notice stating the reasons why the project must be located in the floodplain, provides a list of alternatives proposed, and all mitigation measures taken to minimize adverse impacts on the</p>
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		<p>floodplain and preserve natural and beneficial floodplain values. All comments received from this publication will be responded to and fully addressed prior to funds being commented to the proposed project, in compliance with Executive Order 11988 or 24 CFR Part 55. The publication of this notice will be included in the project's Notice of Intent/Request Release of Funds (NOI-RRUF) publication.</p> <p>Step 8 will consist of the implementation of the proposed action. Implementation may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project.</p>
<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The property is located within the Historic Preservation Exemption "Green" Zone (SHPO Project Number 13-0311-4) and is not located within the Archaeological Site Grid (see SBL39568_HistoricPreservationExemptionZoneMap). The proposed project is not located within or within view of any historic properties listed in, or eligible for listing in, the New Jersey and/or National Registers of Historic Places (NRHP). The SHPO concurred on March 17, 2015 that based on the scope of proposed demolition and reconstruction activities, the project would have no adverse effect on historic properties listed in or eligible for listing in the state and NRHP. In addition, the SHPO concurred that the site had low archaeological potential due to its location within soils that are typically not associated with settlement by prehistoric cultures. Further consultation with the SHPO is not necessary at this time (see SBL39568_SHPO Response).</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>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<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 (during the construction phase of the project). This impact can be mitigated through the use of BMPs such as installing mufflers on equipment and performing construction during daytime hours.</p>
<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The site is in an area identified as being underlain by the Coastal Plain Sole Source Aquifer (see SBL39568_SoleSourceAquiferMap). With the exception of small landscaped areas fronting along Adams Avenue (which borders the property to the north) and at the corners of the property near Route 37 West, the property is almost entirely developed. The proposed project will involve demolition of the existing gas station and convenience store/car wash and replace them with a new gas station, convenience store and car wash with three oil change/service bays and a basement. The basement will be fully enclosed for containment purposes in the</p>

		<p>event of a spill. The property is currently almost entirely impervious; a minor increase in impervious cover is proposed over what is currently present (please note, the site plans provided do not reflect the changes in the original scope of work, as discussed in the Project Description section above; therefore, a definitive calculation of impervious cover changes was not conducted). In addition, the project area receives municipally-supplied water and sewer utilities (Toms River Municipal Utilities Authority). Three underground storage tanks are located on the project site. Because of the use of the property (a gas station), the presence of the property's USTs, and the previous documented groundwater contamination (see Section 4 above), the project is not in compliance with the USEPA Sole Source Aquifer Memo (see "EPA SSA Memo") and consultation with USEPA Region 2 was required.</p> <p>Dewberry consulted with the EPA on March 11, 2015. The EPA responded via letter dated April 15, 2015 stating that the project meets the requirements of the Safe Drinking Water Act of 1974 Section 1424(e) as long as the following conditions are met:</p> <ol style="list-style-type: none"> 5. The basement must have no drains in the event of a spill and be completely sealed ("flood-proofed"). In the event a spill does occur, proper procedures must be undertaken to ensure clean-up. 6. Fill ports and vent pipe outlets be placed above the base flood elevation to reduce the risk of release should a flood occur in the future. 7. It is recommended that stormwater be diverted from the area above or around the underground fuel storage tanks. 8. The applicant must meet appropriate NJDEP requirements for the operation and maintenance of USTs. <p>The EPA also offered additional comments for ways that the project can minimize its environmental impact, including:</p> <ol style="list-style-type: none"> 4. Utilize local and recycled materials in construction, and recycle materials generated on-site (i.e., demolition debris) as much as possible. 5. Utilize cleaner fuel and limit vehicle idling. 6. Construct bioretention facilities, rain gardens, vegetated rooftops and other Low Impact Development (LID) options to minimize stormwater impacts. <p>For a complete list of the EPA's conditions, please refer to their letter response (SBL39568_SSA_Response) located within the "EPA_SSA" folder in the "Correspondence" supporting document folder.</p>	
<p>13. Wetland Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The property is not within 150 feet of any mapped wetlands (see SBL39568_WetlandProtectionMap). In addition, no wetlands were observed in proximity to the site during the site reconnaissance. Therefore, the project is not anticipated to impact wetlands.</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-</p>

		<p>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 40 miles to the southwest of the project area (see SBL39568_WildandScenicRiverMap). This distance is greater than the 1 mile buffer zone. Therefore, consultation with the National Park Service is not required. No impacts to Wild and Scenic Rivers are anticipated.</p>
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PART II: ENVIRONMENTAL ASSESSMENT CHECKLIST

[24 CFR 58.40; 40 CFR 1508.8 & 1508.27]

For each impact category, evaluate the significance of the effects of the proposal on the character, features, and resources of the project area. Enter relevant base data and credible, verifiable source documentation to support the finding. Note names, dates of contact, telephone numbers, and page references. Attach additional material as appropriate. **All conditions, attenuation, or mitigation measures have been clearly identified.**

Impact Codes:

- (1) no impact anticipated
- (2) potentially beneficial
- (3) potentially adverse- requires documentation
- (4) requires mitigation
- (5) significant/potentially significant adverse impact requiring avoidance or modification which may require an Environmental Impact Statement

Impact Categories	Impact Code	Impact Evaluation, Source Documentation and Mitigation or Modification Required
Land Development		
Conformance with Comprehensive and Neighborhood Plans	2	According to the Township of Toms River Zoning Map, adopted July 18, 2014, the property is currently zoned Highway Business (HB, see SBL39568_TomsRiverZoningMap.pdf). This allows for retail, commercial and municipal uses (i.e., non-residential) along Route 37. The project, which will reconstruct the gas station and convenience store/car wash, is in conformance with these goals and based on the proposed improvements will allow for a more efficient commercial use.
Land Use Compatibility and Conformance with Zoning	1	The property is currently zoned Highway Business (see SBL39568_TomsRiverZoningMap.pdf). The project is a gas station with a convenience store and car wash and is in conformance with zoning requirements.
Urban Design- Visual Quality and Scale	1	The zoning requirements for the subject parcel limit development to 40 feet in height. The proposed development includes reconstructing the gas station, convenience store and car wash; the reconstruction will replace the existing single-story building with a two-story building. Conformance with height limits and setbacks set forth in the property's zoning will be ensured during the design phases of the project.
Slope	1	Topography on the site is generally flat, sloping gently to the south and southeast towards Route 37. Therefore, no impacts to steep slopes will occur as a result of the project.
Erosion	1	The project is not located on steep slopes and is not adjacent to a body of water. Temporary impacts from construction activities can be mitigated through BMPs (i.e., silt fences) and will be addressed during the site plan approval process.

Soil Suitability	1	The subject parcel currently contains a convenience store, car wash, and fueling dispenser area. The project will involve the demolition and reconstruction of these facilities, with the inclusion of a larger car wash, three oil change/service bays and a basement service level. Geotechnical work will need to be conducted as the project moves to construction to ensure soils are sufficiently capable of supporting the new facilities. In the event soils do not meet minimum suitability standards for construction, soil mitigation may be required.
Hazards and Nuisances, Including Site Safety	1	The property currently contains an active gas station, convenience store and car wash. The proposed project will demolish the on-site building and reconstruct a new gas station, convenience store, car wash and three oil change/detailing bays. A basement is proposed under the three bays to support the oil change service and provide a storage area for inventory. Site safety during construction can be managed through the use of BMPs (i.e., perimeter fencing) during construction operations.
Drainage/Storm Water Runoff	3	The project will utilize the Township’s existing storm water system. The property is almost entirely impervious; a minor increase in impervious cover is proposed therefore, no additional impacts to the Township’s storm water management system are anticipated from the project. The site plan approval process will address any drainage/storm water runoff concerns. The EPA, in their response to the application’s SSA submittal, noted that the proposal will not adversely impact stormwater runoff; however the EPA did recommend that the stormwater be diverted from the area above or around the underground storage tanks (a complete discussion of SSA compliance can be found in Section 12). It is also noted that the project’s required FHA permit (see Section 9) will likely contain storm water runoff mitigation requirements.
Noise-Effects of Ambient Noise on Project & Contribution to Community Noise Levels	1	<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>
Energy Consumption	2	Jersey Central Power and Light (JCP&L) provides electric utilities to the project area. 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. The proposal includes the demolition and reconstruction of the on-site building, including the fuel dispenser island. Of note, the proposal includes the usage of renewable energy sources through the installation of solar panels on the roof of the fuel dispenser island canopy.

Socioeconomic Factors						
Demographic Character Changes	1	<p>According to 2010 municipally-aggregated census data, the proposed project is not located in a high-diversity residential area. The non-minority population accounts for 89.9% of the total population, compared to 68.6% for the state as a whole. The proposed project activities are not anticipated to impact the demographic character of the project area.</p>				
			Toms River Township		New Jersey	
		Subject	Number	Percent	Number	Percent
		Total Population	91,239	100.0	8,791,894 (r43702)	100.0
		Median Age (Years)	43	(X)	39.0	(X)
		White	82,035	89.90%	6,029,248	68.6
		Black or African American	2,465	2.70%	1,204,826	13.7
		American Indian and Alaska Native	156	0%	29,026	0.3
		Asian	3,266	3.60%	725,726	8.3
		Native Hawaiian and Other Pacific Islander	17	0%	3,043	0.0
		Some Other Race	1,785	2%	559,722	6.4
		Two or More Races	1,515	1.70%	240,303	2.7
		Hispanic Total Population	7,231	7.90%	8,791,894	100.0
		Average Household Size	2.58	(X)	2.68	(X)
		Average Family Size	3.1	(X)	3.22	(X)
		Total Housing Units	43,334	100.0	3,553,562 (r21676)	100.0
		Occupied Housing Units	34,760	80.20%	3,214,360 (r7446)	90.5
Vacant Housing Units	8,574	19.80%	339,202	9.5		
Displacement	1	<p>The subject property does not contain any residences; therefore no residential displacement will occur as a result of the project. It is noted that displacement of the facility's employees will occur during construction; however, this will be temporary and the displacement will end once construction is complete and the facility reopens. Therefore, no long-term employment displacement is anticipated from the project.</p>				

Employment and Income Patterns	2	<p>2009 and 2013 municipally-aggregated census data shows that Toms River Township has a similar unemployment rate and income level compared to the state as a whole. The project activities are not anticipated to adversely impact employment and economic patterns on a long term scale. The new facility will have flood measures incorporated into the building, however, making it more resilient in future storm events. This will allow faster recovery times from future storms, meaning the facility will be able to reopen more quickly than it otherwise would be able to. This will have a benefit on the economy of the area.</p> <table border="1" data-bbox="646 491 1458 1423"> <thead> <tr> <th></th> <th colspan="2">Toms River Township</th> <th colspan="2">New Jersey</th> </tr> <tr> <th>Subject</th> <th>Number</th> <th>Percent</th> <th>Number</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Population 16 years and over</td> <td>75,025</td> <td>100%</td> <td>6,985,329</td> <td>6,985,329</td> </tr> <tr> <td>In Labor Force</td> <td>48,947</td> <td>65.20%</td> <td>4,672,338</td> <td>66.9%</td> </tr> <tr> <td>Civilian Labor Force</td> <td>48,886</td> <td>65.20%</td> <td>4,663,005</td> <td>66.8%</td> </tr> <tr> <td>Employed</td> <td>44,326</td> <td>59.10%</td> <td>4,219,677</td> <td>60.4%</td> </tr> <tr> <td>Unemployed</td> <td>4,560</td> <td>6.10%</td> <td>443,328</td> <td>6.3%</td> </tr> <tr> <td>Armed Forces</td> <td>61</td> <td>0%</td> <td>9,333</td> <td>0.1%</td> </tr> <tr> <td>Not in labor force</td> <td>26,078</td> <td>34.80%</td> <td>2,312,991</td> <td>33.1%</td> </tr> <tr> <td>Civilian Employed Population 16 Years and Over</td> <td>44,326</td> <td>(X)</td> <td>4,219,677</td> <td>4,219,677</td> </tr> <tr> <td>Median Household Income (dollars)</td> <td>73,209</td> <td>(X)</td> <td>71,637</td> <td>(X)</td> </tr> <tr> <td>Mean Household Income (dollars)</td> <td>91,180</td> <td>(X)</td> <td>96,602</td> <td>(X)</td> </tr> <tr> <td>Median Family Income (dollars)</td> <td>86,619</td> <td>(X)</td> <td>87,389</td> <td>(X)</td> </tr> <tr> <td>Mean Family Income (dollars)</td> <td>105,009</td> <td>(X)</td> <td>112,730</td> <td>(X)</td> </tr> <tr> <td>Per Capita Income (dollars)</td> <td>35,393</td> <td>(X)</td> <td>35,928</td> <td>(X)</td> </tr> <tr> <td>Percentage of People Whose Income in the Past 12 Months is Below Poverty Level</td> <td>(X)</td> <td>6.30%</td> <td>(X)</td> <td>9.9%</td> </tr> </tbody> </table>		Toms River Township		New Jersey		Subject	Number	Percent	Number	Percent	Population 16 years and over	75,025	100%	6,985,329	6,985,329	In Labor Force	48,947	65.20%	4,672,338	66.9%	Civilian Labor Force	48,886	65.20%	4,663,005	66.8%	Employed	44,326	59.10%	4,219,677	60.4%	Unemployed	4,560	6.10%	443,328	6.3%	Armed Forces	61	0%	9,333	0.1%	Not in labor force	26,078	34.80%	2,312,991	33.1%	Civilian Employed Population 16 Years and Over	44,326	(X)	4,219,677	4,219,677	Median Household Income (dollars)	73,209	(X)	71,637	(X)	Mean Household Income (dollars)	91,180	(X)	96,602	(X)	Median Family Income (dollars)	86,619	(X)	87,389	(X)	Mean Family Income (dollars)	105,009	(X)	112,730	(X)	Per Capita Income (dollars)	35,393	(X)	35,928	(X)	Percentage of People Whose Income in the Past 12 Months is Below Poverty Level	(X)	6.30%	(X)	9.9%
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Educational Facilities	1	The project will not involve the addition of residences; therefore, the project is not anticipated to impact local schools or school districts, including the East Dover Elementary School, Toms River High School East or the Toms River Regional School District.																																																																																
Commercial Facilities	1	The project will involve the demolition and reconstruction of the gas station, convenience store and car wash. No impacts are anticipated to nearby commercial facilities, such as Preakness Realty, Hom Akcess Realtors, Caffè Italia and Avalon Flooring.																																																																																

Health Care	1	The project will involve the demolition of the existing gas station, car wash, convenience store and car wash and reconstruction of the gas station with a larger car wash, retail area and three oil change/repair bays with a basement. No residences are proposed as part of the project; therefore, no impact to local health care facilities are anticipated. Based on the overall scope of the project, no impacts are anticipated to local or regional health care facilities, such as the Community Medical Center (Toms River, NJ) or Ocean Medical Center (Brick, NJ).
Social Services	1	The project will involve the demolition of the existing gas station, car wash, convenience store and car wash and reconstruction of the gas station with a larger car wash, retail area and three oil change/repair bays with a basement. No residences are proposed as part of the project; therefore, no impact to local social services are anticipated.
Solid Waste Disposal/Recycling	1	The Toms River Township Public Works Department is responsible for the pickup of solid waste/recycling pickup. Based on the scope of project activities, the project is not anticipated to have a significant impact on the township's solid waste disposal/recycling system.
Waste Water/Sanitary Sewers	1	Wastewater and sewer utilities in Toms River Township are provided by the Toms River Municipal Utilities Authority. The proposed project will reconstruct the storm-damaged gas station facility; based on the scope of the project, the proposed project is not anticipated to significantly impact the Township's waste water and sanitary sewer capacity.
Water Supply	1	Water utilities in Toms River Township are provided by United Water. The proposed project will reconstruct the storm-damaged gas station facility; based on the scope of the project, the proposed project is not anticipated to significantly impact the Township's water supply.
Public Safety: <ul style="list-style-type: none"> • Police • Fire • Emergency Medical 	1	The project will involve the demolition and reconstruction of an existing gasoline station facility. No impact to the existing police, fire, emergency services or hospitals are anticipated based on the proposed improvements.
Parks, Open Space & Recreation: <ul style="list-style-type: none"> • Open Space • Recreation 	1	No residences are proposed to be added as part of the project, and no parks or recreational facilities are proposed to be displaced by the project. Therefore, no adverse impacts to nearby public parks/recreational facilities are anticipated.
Cultural Facilities	1	No residences are proposed to be added as part of the project; therefore, the project is not anticipated to have any impact to local cultural facilities, such as the Ocean County Historical Society Museum (26 Hadley Avenue, Toms River, NJ). The property is located within the Historic Preservation Exemption "Green" Zone (SHPO Project Number 13-0311-4) and is not located within the Archaeological Site Grid (see SBL39568_HistoricPreservationExemptionZoneMap). The proposed project is not located within or within view of any historic properties listed in, or eligible for listing in, the New Jersey and/or National Registers of Historic Places (NRHP). The SHPO concurred on March 17, 2015 that based on the scope of proposed demolition and reconstruction activities, the project would have no adverse effect on historic properties listed in or eligible for listing in the state and NRHP. In addition, the SHPO concurred that the site had low archaeological potential due to its location within soils that are typically not associated with settlement by prehistoric cultures. Further consultation with the SHPO is not necessary at this time (see

		SBL39568_SHPO Response).
Transportation & Accessibility	1	The site is located along Route 37 west, which is a major thoroughfare in Toms River. Based on the scope of the project, it is not anticipated to significantly impact local transportation infrastructure.
Natural Features		
Water Resources	4	<p>The site is in an area identified as being underlain by the Coastal Plain Sole Source Aquifer (see SBL39568_SoleSourceAquiferMap). With the exception of small landscaped areas fronting along Adams Avenue (which borders the property to the north) and at the corners of the property near Route 37 West, the property is almost entirely developed. The proposed project will involve demolition of the existing gas station and convenience store/car wash and replace them with a new gas station, convenience store and car wash with three oil change/service bays and a basement. The basement will be fully enclosed for containment purposes in the event of a spill. The property is currently almost entirely impervious; a minor increase in impervious cover is proposed over what is currently present (please note, the site plans provided do not reflect the changes in the original scope of work, as discussed in the Project Description section above; therefore, a definitive calculation of impervious cover changes was not conducted). In addition, the project area receives municipally-supplied water and sewer utilities (Toms River Municipal Utilities Authority). Three underground storage tanks are located on the project site. Because of the use of the property (a gas station), the presence of the property's USTs, and the previous documented groundwater contamination (see Section 4 above), the project is not in compliance with the USEPA Sole Source Aquifer Memo (see "EPA SSA Memo") and consultation with USEPA Region 2 was required.</p> <p>Dewberry consulted with the EPA on March 11, 2015. The EPA responded via letter dated April 15, 2015 stating that the project meets the requirements of the Safe Drinking Water Act of 1974 Section 1424(e) as long as the following conditions are met:</p> <ol style="list-style-type: none"> 9. The basement must have no drains in the event of a spill and be completely sealed ("flood-proofed"). In the event a spill does occur, proper procedures must be undertaken to ensure clean-up. 10. Fill ports and vent pipe outlets be placed above the base flood elevation to reduce the risk of release should a flood occur in the future. 11. It is recommended that stormwater be diverted from the area above or around the underground fuel storage tanks. 12. The applicant must meet appropriate NJDEP requirements for the operation and maintenance of USTs. <p>The EPA also offered additional comments for ways that the project can minimize its environmental impact, including:</p> <ol style="list-style-type: none"> 7. Utilize local and recycled materials in construction, and recycle materials generated on-site (i.e., demolition debris) as much as possible. 8. Utilize cleaner fuel and limit vehicle idling. 9. Construct bioretention facilities, rain gardens, vegetated rooftops and other Low Impact Development (LID) options to minimize stormwater impacts. <p>For a complete list of the EPA's conditions, please refer to their letter response (SBL39568_SSA_Response) located within the "EPA_SSA" folder in the "Correspondence" supporting document folder.</p>

Surface Water	1	<p>The site is located approximately 300 feet northwest of a man-made canal, 3,000 feet west of Barnegat Bay and approximately 3 miles west of the Atlantic Ocean. As part of the Flood Hazard Area Individual Permit, management of stormwater generated on site will be addressed. Provided all required aspects of the permit are adhered to, no impacts is foreseen. Therefore an impact number of 1 will suffice.</p>
Unique Natural Features & Agricultural Lands	1	<p>No unique natural features or agricultural lands are located within the project area. Therefore, no impacts to these resources are anticipated.</p>
Vegetation and Wildlife	4	<p>The property is not mapped as potential habitat for Red Knot or Piping Plover. While potential bat habitat is mapped nearby on adjacent Fischer Boulevard, none of the subject lots are identified as being potential bat habitat. See SBL39568_EndangeredSpeciesMap.</p> <p>The NJDEP GIS Centroid Layer indicates that no federal or state-listed species habitat is present (see SBL39568_EndangeredSpeciesCentroidMap). According to the NJDEP Natural Heritage Program (NHP) response, the property does not contain potential habitat for threatened or endangered species. However, numerous state-threatened or endangered, and state-listed avian species of concern are identified as having potential nesting, breeding or foraging habitat within a one mile radius of the site (see Table 1 and Table 2 within SBL39568_NHP_Response).</p> <p>Notwithstanding the above information, the listings are over one-mile from the subject property, which is located along a busy transportation corridor. Therefore, the subject property is not likely suitable foraging or nesting habitat for any listed species.</p> <p>According to the USFWS Information, Planning and Conservation System (IPaC), Knieskern’s beaked-rush (threatened), Seabeach amaranth (threatened), Swamp pink (threatened) and the northern long-eared bat (threatened) may be present within the proximity of the site. According to the NJDEP GIS tool, the site is bordering upon potential habitat for federally-threatened bat species. This habitat is identified as being within the right-of-way for Fischer Boulevard, adjacent to the east of the property. It is noted that, 1) no bat species were identified on NHP results and 2) the area identified as potential bat habitat is not on-site (i.e., outside of the footprint of the existing structure and the area of proposed disturbance). However due to the species mobility, on-site trees greater than 10-inches in diameter may be potential habitat for this species. These trees are proposed for removal as part of the project. Timing restrictions for tree removal will be in place; removal of trees greater than 10 inches in diameter is prohibited between April 1st and September 30th. The NJDEP Division of Fish and Wildlife, Endangered and Nongame Species Program (ENSP) was consulted and concurred with these timing restrictions (see SBL39568_ENSP_Response).</p> <p>Knieskern’s Beaked Rush and Swamp Pink typically occur in wetland environments. No wetlands are present on the property; therefore, it is not anticipated that either species would be encountered on the property. Seabeach Amaranth typically inhabits dune environments. No dunes are present on the subject property; therefore, it is not anticipated that this species would be encountered on the property.</p>

PART III: 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 50 miles to the north of the project. Atlantic City International Airport is located approximately 41 miles to the south west of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 13 miles northwest 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 SBL39568_AirportHazardsMap). [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-05P, which is located approximately 4 miles to the southwest. See SBL39568_CoastalBarrierResourceActMap. [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*

SBL39568_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap

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. *The site is completely located within the 100-year floodplain (see SBL39568_FloodplainMgmtandFloodInsuranceNFIPNotInFloodway). The site is within Zone AE, with a base flood elevation (BFE) of 7 feet (it is noted that the AE zone is a subset of the A zone, as shown on the GIS map). According to the applicant, the proposed building will be constructed such that the finished slab, HVAC and electrical equipment are all elevated above the BFE. A basement*

will be fully enclosed for containment purposes in the event of a spill. Therefore, the project is subject to a Flood Hazard Area Control Act Individual Permit. A NJDEP Flood Hazard Area Individual Permit would need to be prepared and submitted. Permit materials will include the required permit plans, construction details and notes, Engineering Reports, compliance statement, Environmental Reports, sequence of construction, application form, checklists, figures, public notifications, photos, technical appendices, and fee check.

No. Federal assistance may not be used in the Special Flood Hazard Area.

Summary of Findings and Conclusions

Additional Studies Performed: (List the reports, studies, or analyses performed for this assessment, and attach studies or summaries.) *No Adverse Effects on Historic Properties* submittal to SHPO (submitted on March 9, 2015; SHPO concurrence received on March 17, 2015).

Field Inspection (Date and completed by): *January 13, 2015, completed by Gary Doss, Environmental Planner, and Lawrence Smith, Senior Planner.*

List of Sources, Agencies, and Persons Consulted [40 CFR 1508.9(b)]: (List sources, agencies, and persons consulted for this assessment.)

Agencies Consulted

NJDEP Office of Natural Lands Management

NJDEP Division of Land Use Regulation

NJDEP State Historic Preservation Office

Toms River Township

U.S. Army Corps of Engineers

U.S. Environmental Protection Agency, Region 2

U.S. Federal Emergency Management Agency

U.S. Fish and Wildlife Service

U.S. Department of Housing and Urban Development

U.S. National Oceanic and Atmospheric Administration National Marine Fisheries Service

U.S. National Parks Service

Reference Material

New Jersey Department of Community Affairs. "Frequently Asked Questions About the Disaster Recovery Action Plan" Retrieved October 2014.

http://www.nj.gov/dca/announcements/pdf/3_21_FAQ_Disaster_Recovery_Action_Plan.pdf

New Jersey Department of Environmental Protection. Bureau of Geographic Information. Retrieved March 2015. <http://www.state.nj.us/dep/gis/geoweb splash.htm>

U.S. Census Bureau American Fact Finder. Retrieved March 2015.

<http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

U.S. Census Bureau American Community Survey. Retrieved March 2015.

<http://www.census.gov/acs/www/>

U.S. Department of Housing and Urban Development Noise Assessment Guidelines, Retrieved March 2015.

[http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/dnlcalculat
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or)

U.S. Environmental Protection Agency. EJ View Mapper. Retrieved March 2015.

<http://epamap14.epa.gov/ejmap/entry.html>

U.S. Environmental Protection Agency Region 2. Sole Source Aquifers. Retrieved March 2015.

<http://www.epa.gov/region2/water/aquifer/>

U.S. Federal Emergency Management Agency. Map Service Center. Retrieved March 2015.

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1&langId=-1](https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=1000
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U.S. Fish and Wildlife Service. Endangered Species. U.S. Fish and Wildlife Service, New Jersey Field Office.

Retrieved March 2015, from <http://www.fws.gov/northeast/njfieldoffice/Endangered/>

U.S. Fish and Wildlife Service. Information, Planning and Conservation System (IPaC), Retrieved March

2015. <http://ecos.fws.gov/ipac/>

U.S. National Parks Service. National Wild and Scenic Rivers System. Retrieved March 2015.

<http://www.rivers.gov/new-jersey.php>

Toms River Zoning Ordinance and Toms River Zoning Map, adopted July 18, 2014

Lists of Permits Required:

Local Construction Permits

Road access/opening- local/county road

Ocean Soil Conservation District Soil Erosion and Sediment Control Plan Certification

Site Plan Approval

Flood Hazard Area Control Act Individual Permit (N.J.A.C. 7:13 et seq.).

Compliance with New Jersey Stormwater Management Rules (N.J.A.C. 7:8)

Public Outreach [24 CFR 50.23 & 58.43]: *In accordance with HUD regulations, a Public Notice will be published in the local newspaper, The Star Ledger. A Spanish translation of the notice will be published in Reporte Hispano. Any substantive comments received will be incorporated into the EA. Public outreach was also conducted as part of the 8-step floodplain decision-making process. No comments applicable to the subject project were received.*

Cumulative Impact Analysis [24 CFR 58.32]: *According to the Council on Environmental Quality (CEQ) regulations, cumulative impacts represent the “impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).” To the extent reasonable and practical, this EA considered the combined effect of the proposed*

project and other actions occurring or proposed in the vicinity of the proposed project site.

Ocean County and the entire New Jersey coast are undergoing recovery efforts after Superstorm Sandy caused extensive damages. The recovery efforts in the area include rehabilitation, demolition, reconstruction, and new construction. These projects and the proposed project may have a cumulative temporary impact on air quality, noise, traffic and surface water during construction activities, but will have a net long-term benefit to those areas within New Jersey that were significantly impacted by Superstorm Sandy. No other cumulative effects are anticipated.

Project Alternatives Considered [24 CFR 58.40(e), 40 CFR 1508.9]: (As appropriate, identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment for each alternative and the reasons for rejecting it.)

The proposed project is to demolish and reconstruct a gasoline service station to enhance the existing highway business district along Route 37. The facility experienced flood damage during Superstorm Sandy. Three alternatives were considered, the no build or no action alternative, replacement of the facility above the BFE and facility reconstruction above the BFE with enhanced service features including a self-contained basement.

No Action Alternative [24 CFR 58.40(e)]:

In the No Action Alternative, the subject property would continue to remain in its current state. The property would continue to be flooded during storm events. In addition, the No Action Alternative does not meet the Purpose and Need, as it would not help facilitate the recovery of the storm-impacted shore community.

Build – Original Project Proposal

The building would be replaced with a new, approximately 4,000 SF structure incorporating a car wash tunnel, retail area, and three oil change/detailing bays constructed above the BFE. The fueling area will be downsized from six fueling dispensers oriented in two (2) rows to a single row of four (4) dispensers. This will decrease the number of fueling positions from twelve (12) to eight (8). The equipment will be modernized, and the existing piping, fills, and containments related to the UST system will be replaced and brought to current code. In addition, a car wash tunnel (measuring 80 feet in length) and three oil change/service bays will be installed. The project would implement the use of renewable energy (solar panels) on the on the canopy structure over the fuel dispenser islands, and the car wash will utilize an advanced water recycling system.

Build – Additional Project Scope

The scope of work includes the original project proposal activities, with some modifications. Modifications include the construction of a basement beneath the proposed repair bays. The basement would be used for storage and would allow for more efficient automotive servicing and oil changes. In addition, the car wash tunnel would be lengthened to 100 feet, and a second story would be added for office space above the retail area.

The additional project scope alternative would meet the Purpose and Need to raise the facility above the BFE, while replacing the inefficient facility with a modernized service center that utilizes energy efficient and renewable resource technology and that provides the same services for the community. Furthermore, the addition of a basement beneath the service bays would enable that portion of the business to function more economically; without the basement, service times would be too long and the business would not be as competitive. Therefore, the original scope option was determined to not be economically feasible.

Summary Statement of Findings and Conclusions:

Based on the findings of this Environmental Assessment, 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

The noise standards of 24 CFR 51 Subpart B are applicable 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 project is a commercial operation, which is not considered a noise sensitive use; therefore, a Day/Night Noise Level (DNL) calculation does not need to be conducted for the property. However, to minimize impacts to nearby properties, the applicant should comply with the following:

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 “SBL39568_AirQualityMemo.pdf”). 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.*

Species of Concern

According to the USFWS Information, Planning and Conservation System (IPaC), Knieskern's beaked-rush (threatened), Seabeach amaranth (threatened), Swamp pink (threatened) and the northern long-eared bat (threatened) may be present within the proximity of the site. According to the NJDEP GIS tool, the site is bordering upon potential habitat for federally-threatened bat species. This habitat is identified as being within the right-of-way for Fischer Boulevard, adjacent to the east of the property. It is noted that, 1) no bat species were identified on NHP results and 2) the area identified as potential bat habitat is not on-site (i.e., outside of the footprint of the existing structure and the area of proposed disturbance). However due to the species mobility, on-site trees greater than 10-inches in diameter may be potential habitat for this species. These trees are proposed for removal as part of the project. Timing restrictions for tree removal will be in place; removal of trees greater than 10 inches in diameter is prohibited between April 1st and September 30th. The NJDEP Division of Fish and Wildlife, Endangered and Nongame Species Program (ENSP) was consulted and concurred with these timing restrictions (see SBL39568_ENSP_Response).

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.

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. *The site is completely located within the 100-year floodplain (see SBL39568_FloodplainMgmtandFloodInsuranceNFIPNotInFloodway). The site is within Zone AE, with a base flood elevation (BFE) of 7 feet (it is noted that the AE zone is a subset of the A zone, as shown on the GIS map). According to the applicant, the proposed building will be constructed such that the finished slab, HVAC and electrical equipment are all elevated one foot above the BFE. The basement will be fully enclosed for containment purposes in the event of a spill. Due to the project's location and the proposed improvements, the project is subject to a Flood Hazard Area (FHA) Control Act Individual Permit. A NJDEP FHA Individual Permit would need to be prepared and submitted. Permit materials will include the required permit plans, construction details and notes, Engineering Reports, compliance statement, Environmental Reports, sequence of construction, application form, checklists, figures, public notifications, photos, technical appendices, and fee check.*

Hazardous Waste

No construction dates for the building were identified on tax assessment information; however, based on a review of historic aerial imagery (see SBL39568_1986HistoricAerialMap and SBL39568_1995HistoricAerialMap), the property's existing improvements were constructed between 1986 and 1995. Based on this construction date, lead based paint (LBP) and asbestos containing materials (ACMs) are not considered a concern to the property. If, however, suspect ACM and/or LBP are encountered, these materials must be properly assessed and abated. All activities must comply with applicable federal, state and local laws and regulations regarding ACM and LBP, including but not limited to the 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 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, NJSA 34:5A-32 et seq.

The property has documented groundwater impacts from its previous underground storage tanks (USTs). According to documentation provided by the site's current Licensed Site Remediation Professional (LSRP, see "Toms River 138520 Case Inventory Document.pdf" within the Applicant Documents folder) three steel gasoline USTs (two 8,000-gallon tanks and one 6,000-gallon tank) were removed from the site in 1990. At that time the property was owned and operated by Motiva, who redeveloped the property into its current configuration (the subject parcel has been used as a gasoline station since at least the 1970s). A soil and groundwater investigation was conducted as part of the UST removal and replacement work in 1989 and 1990. Contaminants including petroleum hydrocarbons, volatile organic compounds (VOCs), benzene, toluene, ethylbenzene and xylenes were identified in soil and groundwater samples taken during the investigation. NJDEP confirmed that the Areas of Concern (AOCs) were successfully delineated and a Classification Exception Area (CEA) for groundwater was established on June 30, 1997 for benzene, toluene, ethylbenzene and xylenes, which extends off-site to the southeast. The LSRP for the site, who is under contract to Motiva, is in the process of submitting a Remedial Action Permit (RAP) with a revised CEA. Upon receipt of an approved RAP and revised CEA, the LSRP will issue a Response Action Outcome (RAO) for the site.

According to Motiva correspondence from February 11, 2015, Motiva has recognized that they are responsible for the continued cleanup from these previously-identified impacts (see "Statement of Environmental Responsibility - 3006 Route 37 East Toms River NJ.pdf" within the Applicant Document folder). Motiva has stated, "it is understood Motiva continues to address environmental conditions at the site related to its former operations. Motiva has and will continue to meet agency directives for petroleum contamination related to its former operations."

Because Motiva has recognized they are liable in the environmental cleanup from the previous tanks, and is continuing these cleanup operations, no further action is required from the applicant regarding the previous release. However, should additional impacted soils/groundwater be encountered during construction that are determined to be from the existing system and/or occurred during the current owner's operation of the site, they should be remediated and/or 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 an LSRP. To ascertain whether a new release has occurred, the applicant and Motiva should monitor construction activities as the project moves forward to establish liability.

Hazards and Nuisances, Including Site Safety

Site safety during construction can be managed through the use of Best Management Practices (BMPs) (e.g., perimeter fencing) during construction operations. In addition, use of BMPs and industry standard practices (e.g., high visibility signage) can help improve site safety during the property's normal operation.

Soil and Water Quality

The project is not located on steep slopes. The threshold for Sediment Control Plan Certification is 5,000 square feet. The project will involve disturbing greater than 5,000 square feet; therefore, the applicant will need to obtain Ocean 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.*

Sole Source Aquifers

The property receives municipal water from United Water and sewer utilities from the Toms River Municipal Utilities Authority, however, the property is also identified as being within the Coastal Plain Sole Source Aquifer (see SBL39568_SSAMap). The property is not exempt from EPA review (i.e., any facility that will store, transport, generate or use hazardous substances on site; any facility that has above or underground storage tanks; and any facility that has had previous documented releases). Therefore, the project does not meet the conditions of the EPA Region 2 Sole Source Aquifer Memo (see "SSA_Memo.pdf" within the "EPA_SSA" folder in the "Correspondence" folder in the "Correspondence" supporting document folder) and formal consultation with the EPA was required.

Dewberry consulted with the EPA on March 11, 2015. The EPA responded via letter dated April 15, 2015 stating that the project meets the requirements of the Safe Drinking Water Act of 1974 Section 1424(e) as long as the following conditions are met:

1. *The basement must have no drains in the event of a spill and be completely sealed (“flood-proofed”). In the event a spill does occur, proper procedures must be undertaken to ensure clean-up.*
2. *Fill ports and vent pipe outlets be placed above the base flood elevation to reduce the risk of release should a flood occur in the future.*
3. *It is recommended that stormwater be diverted from the area above or around the underground fuel storage tanks.*
4. *The applicant must meet appropriate NJDEP requirements for the operation and maintenance of USTs.*

The EPA also offered additional comments for ways that the project can minimize its environmental impact, including:

1. *Utilize local and recycled materials in construction, and recycle materials generated on-site (i.e., demolition debris) as much as possible.*
2. *Utilize cleaner fuel and limit vehicle idling.*
3. *Construct bioretention facilities, rain gardens, vegetated rooftops and other Low Impact Development (LID) options to minimize stormwater impacts.*

For a complete list of the EPA’s conditions, please refer to their letter response (SBL39568_SSA_Response) located within the “EPA_SSA” folder in the “Correspondence” supporting document folder.