

Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5

Pursuant to 24 CFR 58.35(a)

Responsible Entity: New Jersey Department of Community Affairs, Richard Constable III, Commissioner

Applicant Name: Christopher Alino (Name)

Project Location: 840 Mantoloking Rd (Street Address) Brick (Municipality) Ocean (County) NJ (State) 08723 (Zip) 592(Block) 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.)*

The following measures are required as conditions for approval of the project:

General

1. Acquire all required federal, state, and county/ 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 (NEPA).
3. Proof of required flood insurance must be provided prior to the approval of CDBG funding and a copy of the proof of insurance shall be maintained with the project environmental review record (ERR).

Construction-Stage Best Management Practices

Air Quality – The project must meet the regulatory requirements of New Jersey’s Air Rules/Air Pollution Control Requirements (SRP0037020_RevisedGeneralConformityApplicabilityAnalysis_SPF_TO86). The Contractor will implement the following Best Management Practices (BMPs) aimed to reduce air quality effects during construction:

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).

(Note: One or two family dwellings and dwellings of six or less family units, one of which is owner occupied, are exempt pursuant to NJSA 26:2C-9.2.)

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 “three-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.

Noise – Time constraints on construction activity in accordance with local ordinances and proper maintenance and documentation of construction equipment in accordance with manufacturer’s specifications to keep unnecessary noise impacts to a minimum.

Soils and Water Resources –The Construction activities will comply with the New Jersey Standards for Soil Erosion and Sediment Control. The Contractor will install and maintain erosion and sedimentation control measures and appropriate best management practices prior to and throughout construction, and in compliance with the contract project drawings.

Hazardous Materials - All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:

- National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145
- National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150
- NJAC 7:26-2.12 - Generator requirements for disposal of asbestos containing waste materials
- New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.

Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).

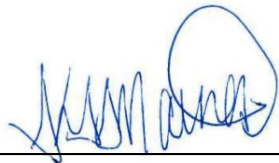
All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD’s lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.

FINDING:

- This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain "Authority to Use Grant Funds"** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

CERTIFICATIONS:

Kristen J. Maines
Gannett Fleming, Inc.
 Preparer Name and Agency



Preparer Signature

September 25, 2014
 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	Landlord Rental Repair Program	Up to \$150,000 (up to \$50,000 per unit)

Estimated Total HUD Funded Amount:

Up to \$150,000 (up to \$50,000 per unit)

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

HUD funding is up to \$150,000 in LRRP Grant Funds and the applicant is responsible for any additional private monies as necessary to complete the project.

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

The proposed action will assist in achieving the goals of the Landlord Rental Repair Program (LRRP) by restoring vacant residential properties that were damaged by Superstorm Sandy, which will then be rented to low and moderate income families at approved affordable rates.

STATUTORY CHECKLIST [24 CFR 50.4, 24 CFR 58.5]

DIRECTIONS – For each authority, check either Box “A” or “B” under “Status.”

“A box” The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

“B box” The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §50.4 & 58.5	STATUS		Compliance Documentation
	A	B	
<p>1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>According to the U.S. Environmental Protection Agency (EPA) Nonattainment Areas Map, Ocean County has been designated a nonattainment or maintenance area for three NAAQS pollutants (SRP0037020_AirQualityMap_SRP_TO86):</p> <ul style="list-style-type: none"> • a moderate attainment area for 8-hour ozone (1997 Standard) • a marginal attainment area for 8-hour ozone (2008 Standard) • a severe nonattainment area for 1-hour ozone (1979 Standard) <p>There will be temporary, unavoidable increases in particulate matter levels during construction activities. While air quality will be temporarily affected, the project will adhere to state air quality standards (NJAC 7:27-1 et seq.). Air quality effects will be mitigated to the extent feasible.</p> <p>NJDEP has determined that activities under the CDBG-DR program are below the <i>de minimus</i> thresholds of the Federal General Conformity regulations and are presumed to conform to the State Implementation Plan. The project will meet applicable emission standards and regulations contained in the State Air Pollution Control Code, and will not affect air quality. (SRP0037020_RevisedGeneralConformityApplicabilityAnalysis_SRP_TO86).</p>
<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is not located within a Clear Zone or Accident Potential Zone nor within 15,000 ft. of a military airport or 2,500 ft. of a civilian airport. (SRP0037020_AirportClearZonesandAccidentPotentialZonesMap_SRP_TO86).</p> <p>Newark Airport is 44 miles away, Lakehurst Naval Aviation Center is 12 miles away, and Atlantic City Airport is 47 miles away. Therefore, there will be no adverse airport hazard effects (SRP0037020_AirportHazardsMap_SRP_TO86).</p>

<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/> <p>The New Jersey Coastal Area Facility Review Act (CAFRA) of 1973 established the CAFRA zone and boundaries within New Jersey, implementing the requirements of the federal Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. §1451 et seq). Certain activities undertaken in the CAFRA zone are regulated by the NJDEP.</p> <p>The property is within the NJ CAFRA Zone and lies within the mean high water line/buffer zone and therefore CAFRA regulations are applicable. (SRP0037020_CoastalZoneManagementActMapCAFRA_SRP_TO86).</p> <p>Consultation with NJDEP DLUR determined that a CAFRA permit is not required (SRP0037020_DEP_DLUR_CoastalJurisdictionalDetermination_SPR_TO86).</p> <p>The project site is not located within the regulated boundaries of the Upland Waterfront Development Zone or Hackensack Meadowlands (SRP0037020_CoastalZoneManagementActMapCAFRA_SRP_TO86).</p>
<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/> <p>The project parcel is not listed on a State or Federal Hazardous Waste sites database and no recognized environmental conditions were identified.</p> <p>According to the NJDEP HUD Environmental Review Tool V 2.1, there are no known contaminated sites within 3,000 feet of the project site (SRP0037020_ToxicHazardousandRadioactiveSubstanceMap_SRP_TO86).</p> <p>HUD lead-based paint poisoning prevention rules at 24 CFR Part 35 apply to the project as the project involves a structure for which construction was completed on or before January 1, 1978 [24 CFR 35.115(a)] - the structure was constructed prior to January 1, 1978.</p> <p>OSHA regulations presume that surfacing materials used in buildings constructed in or prior to 1980 contain asbestos-containing materials (ACMs), and the structure was built prior to 1980.</p> <p>Given the age of the structure involved, lead paint and ACMs are considered to be potentially present. A survey was completed and no lead paint and ACMs were observed (see SRP0037020_LeadHazardEvaluations_SRP_TO86 and SRP0037020_AsbestosInspectionReports_SRP_TO86). Building materials should be properly managed during and after construction.</p> <p>The property is located in Brick Township, Ocean County which has a Tier 3 (low) radon potential (SRP0037020_RadonPotential_SRP_TO86). No radon testing or mitigation is required.</p>

<p>5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Review of the NJDEP HUD Environmental Review Tool 2.1 indicated no federally endangered species or habitat potentially located within the project site (SRP0037020_EndangeredSpeciesMap_SRP_TO86).</p> <p>Consultation with the U.S. Fish and Wildlife Service (USFWS) was performed through a review of the iPaC landscape explorer tool to obtain a preliminary report of federally listed species in the vicinity of the project. The report indicated that Knieskern’s Beaked-rush, swamp pink, and northern long-eared bat need to be considered in the EA. The parcel is developed and does not have suitable habitat for Knieskern’s Beaked-rush and swamp pink. Although the parcel has some trees, no tree-removal or -cutting is proposed so the northern long-eared bat would not be affected. Additionally, USFWS provided a list of migratory birds of concern in the project area to be considered. The project will not interfere with migratory birds using the project area and vicinity for feeding, roosting and resting. (SRP0037020_USFWS_EndangeredSpeciesReview_SRP_TO86).</p> <p>Coordination with the NJDEP, Natural Heritage Program (NHP) was completed requesting a search of the Natural Heritage Database, the Landscape Project habitat mapping, and Biotics Database for state endangered and threatened species. The NHP response included the following rare wildlife foraging habitat potentially on the project site: black-crowned night heron, common tern, glossy ibis, great blue heron, little blue heron, snowy egret, and tricolored heron. Although the project will occur adjacent to foraging habitat associated with these species, the proposed action will have no direct or indirect effect on these species. (SRP0037020_NaturalHeritageDatabase_Response_SRP_TO86).</p> <p>Based on coordination with federal and state agencies, compliance with the ESA is complete and no additional consultation is required.</p>
<p>6. Environmental Justice [Executive Order 12898]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project site is located within areas that include environmental justice populations. Minority population percentages in proximity to the project site are upwards of 41%. Approximately 4.5% of the population in proximity to the project site is characterized as living below the poverty level. (SRP0037020_EnvironmentalJusticeMap_PercentMinority_SRP_TO86 and SRP0037020_EnvironmentalJusticeMap_PercentPoverty_SRP_TO86).</p> <p>The project would not cause disproportionate adverse effects and would provide housing opportunities for low-income local residents, so the project could benefit environmental justice populations (SR0037020_EnvironmentalJustice_Checklist_SRP_TO86).</p>
<p>7. Explosive and Flammable Operations [24 CFR 51C]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>24 CFR Part 51, Subpart C- Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature does not apply because HUD funds will be used to elevate, rehabilitate, or reconstruct an existing structure; where the number of dwelling units is not increasing, and the number of people exposed to hazardous operations is not increasing.</p>
<p>8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project site is a developed parcel with no associated agricultural lands. According to the NJDEP HUD Environmental Review Tool, the subject property is not located on land classified as containing Prime Farmland Soils (SRP0037020_PrimeFarmlandSoilsMap_SRP_TO86). The Farmland Protection Policy Act (FPPA) is not applicable to the proposed project.</p>

<p>9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <p>The proposed project is located in a designated Special Flood Hazard Area “A” Zone (area of special flood hazard with water surface elevations determined) floodplain as indicated on the Preliminary FEMA Flood Insurance Rate Map (FIRM) Map Number 34029C0192G (Panel 192 of 660) for Ocean County, effective March 28, 2014. (SRP0037020_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap_SRP_TO86).</p> <p>Areas designated as a Special Flood Hazard Area are those subject to inundation by the 1% annual chance flood (e.g., a 100-year flood), also known as the base flood. A portion of the proposed project is also located within the 500-year floodplain zone. The base flood elevation (BFE) associated with the project site is 9.0 feet above sea level (NAVD88).</p> <p>An 8-Step Floodplain Analysis was completed to comply with EO 11988 and HUD 24 CFR 55 (SRP0037020_FloodplainAnalysis_SRP_TO86). The proposed action for elevation of the units will reduce the impacts to the floodplain in the local vicinity while helping to meet the State’s need for safe, decent, and affordable housing. Practicable alternatives to relocate the project outside of the floodplain are not available and the No Action Alternative would be contrary to the purpose and function of the proposed improvements and LRRP program. The proposed action, including elevation above the base flood elevation, was determined to be the most practicable alternative which minimized impacts to the floodplain and potential hazards to human safety, health, and welfare.</p> <p>Consultation with NJDEP DLUR determined that a Flood Hazard Area permit was not required for the proposed project (SRP0037020_DEP_DLUR_FloodHazardAreaApplicabilityDetermination_SRP_TO86).</p>
<p>10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/> <p>The site is not located within the Historic Property Exemption Zone (SRP0037020_HistoricPreservationExemptionZone_SRP_TO86.pdf).</p> <p>Consultation with the New Jersey State Historic Preservation Office was conducted to determine potential effects to cultural resources under Section 106 of the National Historic Preservation Act. The NJSHPO determined that a “No Historic Properties Affected” finding was applicable as the project site 1) does not contain nor is in the view of a National Register resource or district, 2) lacks distinctive characteristics, and 3) the site has low archaeological potential because it substantially conforms to the original footprint and is not located within a historic property/district (SRP0037020_SHPO_Response_SRP_TO86).</p>
<p>11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/> <p>A noise assessment in accordance with HUD 24 CFR 51b and the HUD Noise Guidebook was completed to consider noise exposure. The project site is within 1,000 feet of Mantoloking Road, an urban arterial roadway with an estimated 2013 average annual daily traffic volume (AADT) of 11,382 vehicles. The site is also within 1,000 feet of Hooper Avenue, an urban collector with an estimated 2013 AADT volume of 18,143 vehicles. Results of the noise assessment indicate a combined day/night noise level of 61 decibels, which does not exceed the threshold of 65 decibels and is therefore determined to be “acceptable” based on HUD general Noise Acceptability Standards (SRP0037020_NoiseAbatementandControl_SRP_TO86).</p> <p>The only noise expected to result from the project will be temporary construction noise. The project is located in an established residential area so construction is not expected to appreciably increase local noise levels and the noise will cease once construction is complete.</p>

<p>12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project site is located within the boundary of the Coastal Plain Sole Source Aquifer (SRP0037020_SoleSourceAquiferMap_SRP_TO86). This project does not involve the acquisition of undeveloped land, change of land use, or new construction, so consultation with EPA is not required. No adverse impact is anticipated since the project involves the elevation of three units of a five-unit property. The project is served by public water and wastewater services from the Brick Township Municipal Utilities Authority.</p>
<p>13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project site is not located within or adjacent to a DEP wetland resource (SRP0037020_WetlandsProtectionMap_SRP_TO86). However, the project site is located adjacent to estuarine and marine deepwater wetlands (SRP0037020_USFWS_WetlandMap_SRP_TO86). No construction or encroachment is proposed at or below the high water line (mean highest high water line). Since there will be no encroachments to the watercourse and adjacent wetlands, no adverse effects are expected. Construction will adhere to general conditions for wetlands. As the project consists of reconstructing and elevating existing structures, no adverse effects are anticipated, and the project complies with Executive Order (EO) 11990.</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 project site is not located within 1/4 mile of a designated Wild and Scenic River (WSR) stream bank or within one mile of a designated WSR or its tributaries; the closest WSR (Great Egg Harbor River) is approximately 47 miles (SRP0037020_WildandScenicRiversMap_SRP_TO86). Therefore, consultation with the National Park Service is not required.</p>

24 CFR 58.6 CHECKLIST [24 CFR 50.4, 24 CFR 58.6]

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3), D]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

No. Cite or attach Source Documentation:

See SRP0037020_AirportClearZonesandAccidentPotentialZonesMap_SRP_TO86 and SRP0037020_Airport_HazardsMap_SRP_TO86. [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 project site is not located within a regulated System unit or an Otherwise Protected Area boundary of the Coastal Barrier Resources Act. Further consultation with the USFWS is not required.

SRP0037020_CoastalBarrierResourcesActMap_SRP_TO86. [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:

Project is located within a Special Flood Hazard Area. See (SRP0037020_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap_SRP_TO86).

Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

Yes. Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

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

Summary of Findings and Conclusions

Field Inspection (Date and completed by): Field review completed April 25, 2015 by Richard Grubb and Associates under contract to Gannett Fleming, Inc.

Summary Statement of Findings and Conclusions:

The proposed project involves the reconstruction and elevation of three rental units within a five-unit structure in Ocean County at 840 Mantoloking Road, Brick, NJ 08723.

Completion of this categorical exclusion environmental review and associated consultation confirms that the proposed project would not have a significant environmental impact and that further assessment is not necessary. HUD funding of the proposed action will not have a significant impact on the quality of the human environment.

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.)

No mitigation or project modifications, beyond the following standard project development and construction management practices, are required.

The following measures are required as conditions for approval of the project:

General

1. Acquire all required federal, state, and county/ 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 (NEPA).
3. Proof of required flood insurance must be provided prior to the approval of CDBG funding and a copy of the proof of insurance shall be maintained with the project environmental review record (ERR).

Construction-Stage Best Management Practices

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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).

(Note: One or two family dwellings and dwellings of six or less family units, one of which is owner occupied, are exempt pursuant to NJSA 26:2C-9.2.)

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 “three-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.

Noise – Time constraints on construction activity in accordance with local ordinances and proper maintenance and documentation of construction equipment in accordance with manufacturer’s specifications to keep unnecessary noise impacts to a minimum.

Soils and Water Resources –The Construction activities will comply with the New Jersey Standards for Soil Erosion and Sediment Control. The Contractor will install and maintain erosion and sedimentation control measures and appropriate best management practices prior to and throughout construction, and in compliance with the contract project drawings.

Hazardous Materials - All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:

- National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145
- National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150
- NJAC 7:26-2.12 - Generator requirements for disposal of asbestos containing waste materials
- New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.

Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).

All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD’s lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.