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# Form 2.1 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, Lieutenant Governor Sheila Y. Oliver, Commissioner

**Applicant Name** City of Atlantic City (First) Dicharge Pipes into all Back Bays and Atlantic Ocean (Last)

-or- (Business/Project Name)

**Project Location** Inner Thorofare Waterway, Absecon Bay and Shelter Island Bay (Street Address)

City of Atlantic City (Municipality) Atlantic (County) New Jersey (State)

Multiple (Block) Multiple (Lot)

## CONDITIONS FOR APPROVAL

**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 construction and comply with all permit conditions.
2. If the scope of work of the proposed project changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.

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## **Floodplain Management, Flood Insurance, Wetland Protection, Erosion, Drainage/Stormwater Runoff, and Surface Water**

3. Implement and maintain best management practices for erosion and sedimentation control.

4. Dispose of any displaced soil in an area outside the floodplain and wetlands.

5. Construction activities must comply with the New Jersey Standards for Soil Erosion and Sediment Control. The contractor will be responsible for securing a Soil Erosion and Sediment Control Plan Certification from the Atlantic County Conservation District.

6. 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 certified soil erosion and sedimentation control plan.

### **Historic Preservation**

7. If archeological or human remains are discovered during the construction process, the project must be halted until an archeologist can view and assess the finds. The applicant will inform the NJDEP immediately and will consult with the State Historic Preservation Office (SHPO) and Tribal Historic Preservation Office (THPO).

### **Sole Source Aquifers**

8. Implement diesel controls, cleaner fuel, and cleaner construction practices for on-road and off- road

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equipment used for transportation, soil movement, or other construction activities, including:

a. Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; and

b. Use of clean diesel through add-on technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.

9. Use Low Impact Development (LID) principles such as minimizing effective imperviousness to create site drainage and the planting of native and non-invasive vegetation on the project site for stormwater management purposes. Other LID practices can include bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

10. Use cost-effective, environmentally-friendly landscapes.

11. Incorporate energy efficient technologies.

## **Noise**

12. During the temporary construction activities, outfit all equipment with operating mufflers.

13. During the temporary construction activities, comply with the applicable local noise ordinance.

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## Air Quality

14. Use water or chemical dust suppressants in exposed areas to control dust.

15. Cover the load compartments of trucks hauling dust-generating materials.

16. To avoid adverse air quality impacts, compliance with the regulatory requirements of New Jersey's Air Rules continue to remain in effect. Activities must still meet the State's Air Pollution Control requirements, e.g., obtaining permits when necessary, adherence to idling limitations, implementation of all responsible measures to mitigate dust and fugitive emissions from demolition and construction and complying with all state and federal rules for the demolition of structures which may contain asbestos.

16. 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).

17. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (less than 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).

18. Wash heavy trucks and construction vehicles before they leave the site.

19. Reduce vehicle speed on non-paved areas and keep paved areas clean.

20. Retrofit older equipment with pollution controls.

21. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.

22. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.

## Hazardous Materials

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

## 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)).

## FUNDING INFORMATION

**Note: Certification signatures can be found at the end of the document.**

| Grant Number           | HUD Program | Funding Amount        |
|------------------------|-------------|-----------------------|
| <i>B-13-DS-34-0001</i> | <i>ACRP</i> | <i>\$1,200,000.00</i> |
|                        |             | <i>\$0.00</i>         |
|                        |             | <i>\$0.00</i>         |

**Estimated Total HUD Funded Amount:**

*\$1,200,000.00*

Estimated Total HUD Funded Amount Description

The proposed project would be funded with \$1,000,000.00 in US Department of Housing and Urban Development (HUD) Atlantic City Resilience Program (ACRP). HUD funding would be utilized to conduct inspection of check valves in the back bay area of Atlantic City, evaluate the impacts to flooding and the need for additional check valves in locations where they have not yet been utilized, and for the first phase of check valve replacements in the most critical areas.

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

*\$1,200,000.00*

Estimated Total Project Cost Description

*The preliminary cost estimate provided by the City estimates the total project cost at \$1,200,000.00. An engineered cost estimate will be performed as part of the proposed project.*

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

*The proposed project includes the inspection, design and replacement of stormwater check valves. Approximately 100 check valves located along the inner Thorofare waterway (Back-bay) of Atlantic City are malfunctioning and/or broken. This is causing issues to Atlantic City such as flooding and water quality concerns.*

**Description of the Proposed Project [24 CFR 50.12 & 58.32, 40 CFR 1508.25]:** (Include all contemplated actions that are logically either geographically or functionally a composite part of the

project, regardless of the source of funding. As appropriate, attach maps, site plans, renderings, photographs, budgets, and other descriptive information.)

*The proposed improvement project includes the inspection, design, and replacement of approximately 100 stormwater check valves located along the inner Thorofare waterway of Atlantic City. The Thorofare waterway is a tidal waterbody which connects Absecon Bay and Shelter Island Bay. In recent years, the City has observed an increase of flooding in area that utilize these valves at or near their point of discharge. The increase in flooding is expected to be a result of malfunctioning and or broken check valves. See **AC SW Check Valves Site Map**.*

## 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   |
|--|---|--|
| <p><b>1. Air Quality</b><br/>[Clean Air Act, as amended, particularly sections 176(c) &amp; (d), and 40 CFR 6, 51, 93]</p> | <p><input checked="" type="radio"/> A<br/><input type="radio"/> B</p> | <p>The project is located a non-attainment for three National Ambient Air Quality Standard (NAAQS) pollutants, including 8-hour Ozone (2015) pollutant. Per EPA's online Green Book, as of September 27, 2010, all Carbon Monoxide nonattainment areas were redesignated to maintenance areas, including Atlantic City, New Jersey.</p> <p>According to NJDEP's Division of Air Quality memorandum, dated December 19, 2019 from the New Jersey Department of Environmental Protection (NJDEP) Division of Air Quality (DAQ), the project is located within Atlantic County of the Philadelphia- Wilmington-Atlantic City(PA-NJ-MD-DE) ozone nonattainment area, which is classified as a marginal nonattainment. The proposed project will conform with the DAQ recommendations listed in this memo. This project is exempt from further review.</p> <p>In addition, the Air Quality (CEST and EA) Worksheet, provided on the HUD Exchange website, was used to determine that the project is in compliance with the Air Quality section, see <b>AC_SW_CheckValves_AirQualityWorksheet</b>.</p> <p>Refer to the applicable compliance documents:</p> <ul style="list-style-type: none"> <li>• AC_SW_CheckValves_8HrOzone</li> <li>• AC_SW_CheckValves_AQmap</li> <li>• AC_SW_CheckValves_CarbonMono_MaintenanceAreasList</li> <li>• AC_SW_CheckValves_COMap</li> <li>• AC_SW_CheckValves_DAQ_Memo</li> <li>• AC_SW_CheckValves_NJ_2008_EPA_OZONE</li> <li>• AC_SW_CheckValves_NJ_2015_EPA_OZONE</li> <li>• AC_SW_CheckValves_Radon</li> </ul> <p>Source: EPA Green Book</p> |

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| <p><b>2. Airport Hazards</b><br/>(Clear Zones and Accident Potential Zones) [24 CFR 51D]</p>         | <p><input checked="" type="radio"/> A<br/><input type="radio"/> B</p> | <p>The project is in compliance. There are no Federal Aviation Administration (FAA) regulated airports with 2,500 feet or Department of Defense Airfields with 15,000 feet (2.8 miles) of the project. The closest airport or airfield is Atlantic City International Airport which is approximately 7.3 miles west of the project. The City of Atlantic City is approximately 43.9 miles from Lakehurst Naval Air Station. See <b>AC_CheckValves_AirportClearZones</b>.</p> <p>Source: NJDEP HUD Environmental Review Tool 3.0</p>  |
| <p><b>3. Coastal Zone Management</b><br/>[Coastal Zone Management Act sections 307(c) &amp; (d)]</p> | <p><input checked="" type="radio"/> A<br/><input type="radio"/> B</p> | <p>The project is in compliance. The scope of work includes the inspection, repair and replacement of up to 100 stormwater check valves. Values which are determined to be in need of replacement are not expected to enlarge the current footprint of disturbance in any special areas regulated by the NJDEP Coastal Zone Management Rules, NJAC 7:7A. See <b>AC_SW_CheckValves_Coastal Zone Map</b>.</p> <p>Source: NJDEP HUD Environmental Review Tool 3.0</p>   |
| <p><b>4. Contamination and Toxic Substances</b><br/>[24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>            | <p><input checked="" type="radio"/> A<br/><input type="radio"/> B</p> | <p>The proposed project is in compliance. A toxic review was performed by the NJDEP which confirmed no further consultation is necessary. Refer to email dated July 27, 2020 (See <b>AC_SW_CheckValves_ToxicConsult</b>).</p> <p>Due to the expansive project area, the proposed project is located within four (4) 3,000-foot Hazardous Site Buffer Zones. The Hazardous Site of Concerns identified that intersect the project area include: 508 Sewell Avenue, 241 North Nevada Avenue, 243 Texas Avenue, and Parkway Auto Service Inc. See <b>AC_SW_CheckValves_HazSitesofConcern</b>.</p> <p>Sources: NJDEP HUD Environmental Review Tool 3.0</p> |



**5. Endangered Species**  
 [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]

A  
 B

Please note that the project proposes the rehabilitation of approximately 100 stormwater check valves intersections throughout the City's Back-bay environment. For the various screening tools used for this section of the Statutory Checklist, polygons were used to encompass all 100 check valves; therefore, encompassing land areas outside of the immediate work areas of the check valves.

Centroid data was not available for the project site. The project site does not intersect with the red knot or piping plover threatened and endangered species layer shown on the NJDEP HUD Environmental Review Tool. See **AC\_SW\_CheckValves\_T&E**.

**FEDERALLY LISTED ANIMAL SPECIES/HABITAT: No Effect**

The US Fish and Wildlife Service (USFWS) Information, Planning and Conservation (IPaC) landscape explorer tool was used to screen the proposed project location to determine if consultation with USFWS was warranted. Please note that multiple line segments were used to cover the project area, which resulted in multiple reports through IPaC, CV 1, CV 2, and CV3. Review of the USFWS IPaC landscape explorer tool for the project location indicated that "there are no critical habitats within [the] project area under this office's jurisdiction." See **AC\_SW\_CheckValves\_IPaC official**. The report also indicates there are no refuge lands or fish hatcheries within the project areas. Multiple species of migratory birds were indicated in the vicinity of the proposed project areas. However, the proposed work would occur at existing locations of check valves; therefore, the project is not anticipated to impact migratory birds.

The NOAA Fisheries Greater Atlantic Region ESA Section 7 online GIS mapping tool was consulted to determine the potential for Federally threatened and or endangered aquatic species to be found within one mile of the project area. Habitat for the following species were identified within one mile of the project areas: migrating and foraging habitat for adult and sub-adult Atlantic sturgeon; migrating and foraging adult and juvenile green sea turtle; migrating and foraging adult and juvenile Kemp's ridley sea turtle; migrating and foraging adult and juvenile leatherback sea turtle; migrating and foraging adult and juvenile loggerhead sea turtle; migrating adult and juvenile North Atlantic right whale; migrating, overwintering, foraging, and calving adult and juvenile fin whale. See **AC\_SW\_CheckValves\_ESA\_Section7\_Map**. Inspection and replacement of check valves would occur at existing locations of check valves. Therefore, the proposed project is not expected to impact these species.

Should mitigation for any Federally-listed threatened or endangered species be necessary, specific measures will be conditioned upon the required NJDEP DLUR permits required for the proposed project. Similarly, if timing restrictions are necessary for any of the species listed above, they will be determined during the permitting phase of the project.

**FEDERALLY LISTED BATS: No Effect**

The IPaC report does not list Indiana bat nor northern long-eared bat as species that may occur or could potentially be affected by activities at this location. The proposed project does not include the removal of trees. While bat surveys are no longer required for northern long-eared bats in buildings, if bats (of any species) happened to be discovered during the process of renovations/demolitions/etc., work should cease and the construction manager should contact Mackenzie Hall, New Jersey Division of Fish and Wildlife, Endangered and Nongame Species Program, at 609-292-1244 on how to proceed. All bat species are protected by law in New Jersey and cannot knowingly be harmed or harassed. See **AC\_SW\_CheckValves\_IPaC official**.

**FEDERALLY LISTED PLANT: No Effect**

The US Fish and Wildlife Service (USFWS) Information, Planning and Conservation (IPaC) landscape explorer tool was used to screen the proposed project location to determine if consultation with USFWS was warranted. The generated species list for the project listed seabeach amaranth (*Amaranthus pumilus*); however, the report indicated that "there are no critical habitats within the project area." The project is not anticipated to impact this species. See **AC\_SW\_CheckValves\_IPaC official**.

Should mitigation for any Federally-listed threatened or endangered species be necessary, specific measures will be conditioned upon the required NJDEP DLUR permits required for the proposed project. Similarly, if timing restrictions are necessary for any of the species listed above, they will be determined during the permitting phase of the project.

**STATE LISTED ANIMAL SPECIES/HABITAT: No Effect**

Consultation with NJDEP Division of Fish and Wildlife indicated that the proposed project is not located within a mapped piping plover or red knot habitat and would be unlikely to pose risk to these species. See **20200918 Response NJ AC CDBG DR AC SW check valve Consultation**. As stated above, the NJDEP HUD Environmental Tool 3.0 was screened for Piping plover and Red knot habitat: the proposed project is not located within habitat for either of these species. See **AC\_SW\_CheckValves\_T&E**.

A data request was submitted to the New Jersey Forest Service Office of Natural Lands Management for searches of the Natural Heritage Database and the Landscape Project to determine if suitable habitat potential exists at the project site for State and Federal threatened and or endangered species. The report indicates that multiple threatened and endangered species and their habitats can be found on or within the immediate vicinity of the project area, including bald eagle, black skimmer, black-crowned night-heron, cattle egret, least tern, osprey, peregrine falcon, and yellow-crowned night-heron. The proposed project would occur at existing locations of check valves. Therefore, the proposed project is not expected to impact these species. Should mitigation for any State listed threatened or endangered species be necessary, specific measures will be conditioned upon the required NJDEP DLUR permits required for the proposed project. See **AC\_SW\_CheckValves\_nhp**.

Consultation with New Jersey Division of Fish and Wildlife confirmed the proposed project is not located within mapped piping plover and red knot habitat, and that the project would be unlikely to pose risk to these species. In addition, the project is anticipated to have little to no effect on threatened and endangered species or designated critical habitats. See **20200918 Response - NJ AC CDBG-DR AC SW check valve Consultation**.

Should mitigation for any State-listed threatened or endangered species be necessary, specific measures will be conditioned upon the required NJDEP DLUR permits required for the proposed project. Similarly, if timing restrictions are necessary for any of the species listed above, they will be determined during the permitting phase of the project.

**STATE LISTED PLANT: No Effect**

A data request was submitted to the New Jersey Forest Service Office of Natural Lands Management for searches of the Natural Heritage Database and the Landscape Project to determine the potential for rare plant species to exist within the project area. The report does not list any threatened or endangered plant species. See **AC\_SW\_CheckValves\_nhp**.

Sources: NJDEP Division of Fish and Wildlife

NJDEP Environmental Review Tool 3.0

NJDEP Natural Heritage Program

NOAA Fisheries Greater Atlantic Region ESA Section 7

USFWS IPaC Mapping Tool

|  |   |   |
|--|---|---|
| <p><b>6. Environmental Justice</b><br/>[Executive Order 12898]</p>   | <p><input checked="" type="radio"/> A<br/><input type="radio"/> B</p> | <p>According to the US EPA Environmental Justice Screening Tool, approximately 87% of residents within the project are minorities (See <b>AC_SW_CheckValves_EJ_Minority</b>) and 66% of residence are low income (See <b>AC_SW_CheckValves_EJ_LowIncome</b>). The state's average for Minority Population is 44% and Low Income Population is 66%.</p> <p>The proposed project is in compliance. As indicated by the other sections of this environmental assessment, the proposed project would not result in significant environmental impacts. The proposed project would therefore have no significant disproportionate adverse environmental impact on minority and low-income residents in the vicinity of the proposed project.</p> <p>See <b>AC_SW_CheckValves_EJ_Checklist</b>.</p> <p>Source: EPA's Environmental Justice Screening and Mapping Tool</p>  |
| <p><b>7. Explosive and Flammable Operations</b><br/>[24 CFR 51C]</p>   | <p><input checked="" type="radio"/> A<br/><input type="radio"/> B</p> | <p>The proposed project is in compliance. The proposed project does not involve residential new construction, rehabilitation where unit density is increased, change of land use, or new construction. This street improvement project does not meet the definition of a "HUD-assisted project" and is therefore not subject to the HUD rule (see: 24 VFR 51.201).</p>  |
| <p><b>8. Farmland Protection</b><br/>[Farmland Protection Policy Act of 1981, particularly sections 1504(b) &amp; 1541; 7 CFR 658]</p>     | <p><input checked="" type="radio"/> A<br/><input type="radio"/> B</p> | <p>The Check Valves project intersects prime farmland areas, according to the NJDEP HUD Environmental Review Tool 3.0. The NJDEP HUD Environmental Review Tool 3.0 indicates that these farmland areas are mapped as "farmland of unique importance", with Transquaking mucky peat, 0 to 1 percent slopes, very frequently flooded (TrkAv) soils. See the <b>AC_SW_CheckValves_AtlanticCityMunicipalZoningBoundariesMap</b> for zoning information. Please note that multiple line segments were used to obtain information from the NJDEP HUD Environmental Review Tool 3.0 and the National Resource Conservation Service Web Soil Survey for project area, which resulted in multiple reports for CheckValves1, CheckValves2, and CheckValves3.</p> <p>In the northeastern portion of the City, the Check Valves project would intersect with three (3) areas of prime farmland. West of the Borgata Hotel Casino &amp; Spa, there is a wetland area mapped as farmland. This portion of the City is zoned as HNRA (Huron North Redevelopment Area), unconstrained land and wetlands. The other two areas of prime farmland which would be intersected by the project are developed, urban areas in the HNRA zone and the RS-C (Resort Commercial Development). Another area of prime farmland is mapped over the open wetlands, located west of the Chelsea Heights neighborhood. This area is zoned as MTM (Marine Tidal Marsh). The eastern boundary of the farmland soils is mapped over developed residential areas and the Chelsea Heights Recreational Complex, which are zoned as RM-1 (Multi-Family Walk-up) and RM-2 (Multi-Family Low-rise). See <b>AC_SW_CheckValves_PrimeFarmlandMaps</b> and <b>AC_SW_CheckValves_NRCS_farmlandsoils</b>.</p> <p>The proposed project consists of the inspection and replacement of check valves throughout the Back bay environment of Atlantic City, which are in various states of disrepair. The condition of the check valves contribute to a variety of problems, including flooding issues and poor water quality. The project does not include new construction. After inspection, any check valves that need replacement would be replaced within their existing footprint, which should not cause new disturbance to prime farmland soils. The net result of the repair of any damaged check valves will be a benefit to the environment.</p> <p>Source: Atlantic County Office of Geographic Information Systems (GIS)</p> <p>NJDEP HUD Environmental Review Tool 3.0</p> <p>United States Department of Agriculture National Resource Conservation Service Web Soil Survey</p> |
| <p><b>9. Floodplain Management</b><br/>[24 CFR 55; Executive Order 11988, particularly section 2(a)]</p>                                   | <p><input checked="" type="radio"/> A<br/><input type="radio"/> B</p> | <p>The proposed project is in compliance. The proposed project is located in a tidal flood zone designated as AE with a base flood elevation of 10 feet above mean sea level. The proposed project will not impact the floodplain by introducing new fill. See attached <b>AC_SW_CheckValves_FEMA_Map</b>. NFIP flood insurance is not required as the project activity involves improvements to existing infrastructure within a FEMA- identified Special Flood Hazard Area.</p> <p>The Floodplain Management Checklist was used to conduct the Floodplain 8-Step Analysis, and determine if the proposed project could potentially affect floodplains or their occupants. It was determined that "the proposed action could potentially be adversely affected by the floodplain." The review was conducted against the 100 year floodplain, which is set at 9 feet elevation per ABFE and the PRELIM flood hazard data, and 10 feet elevation by the FIRM Panel flood hazard data. In addition, the proposed project is also located in a floodway or coastal high hazard area. Mitigation measures to protect existing floodplain values will be incorporated into the proposed project. There is no practicable alternative to relocate the project outside of the 100- year floodplain, and there is no potential to limit the proposed actions. See <b>AC_SW_CheckValves_8StepAnalysis</b>.</p> <p>A public notice of the New Jersey Department of Community Affairs' (NJCA) intent to consider funding the proposed project in the 100-year floodplain was published in the Press of Atlantic City on June 8, 2020, and a Spanish translation of the notice was published in the El Diario on June 8, 2020. A copy of the public notice and proofs of publication are attached with the 8-Step Analysis. As required by regulation, the notice also included the name, proposed location, description of the proposed project, and the NJCA contact for information, as well as the location and hours. A copy of the notice was emailed on June 8, 2020 to agencies known to have an interest in floodplain activities. See <b>AC Resilience Program Combined Early Floodplain English Public Notices_FINAL</b> and <b>AC Resilience Program Combined Early Spanish Public Notice_Final</b>.</p> <p>No comments were received within the 15-day comment period required by 24 CFR 55.20(b) (see attached no comments received emails). See <b>20200629 Email_no public comments</b>.</p> <p>Source: NJDEP HUD Environmental Review Tool 3.0</p>   |
| <p><b>10. Historic Preservation</b><br/>[National Historic Preservation Act of 1966, particularly sections 106 &amp; 110; 36 CFR 800]</p>  | <p><input checked="" type="radio"/> A<br/><input type="radio"/> B</p> | <p>The project is in compliance. Many of the mapped areas in <b>AC_SW_CheckValves_HistoricPreservationMaps</b> are categorized under the Historic Property Exemption Zone. The proposed project intersects with the Carson Avenue Boathouses Historic District. The project also intersects with multiple historic properties including: Beach Throrofare Railroad Bridge [Demolished], USCG Station Atlantic City, 431 Carson Avenue, 427 Carson Ave, 425 Carson Ave, 423 Carson Ave, 421 Carson Ave, 419 Carson Ave, 430 Carson Ave, Atlantic City Fire Department [Demolished]. The proposed project is not located within a historic archeologic site grid.</p> <p>On July 29, 2020 the NJ SHPO responded via email (see <b>AC_SW_CheckValves_SHPO Response</b>) that no historic properties will be affected by the proposed undertaking (project). See <b>AC SW Check Valves_SHPO Submittal</b>.</p> <p>Source: NJDEP HUD Environmental Review Tool 3.0</p>   |
| <p><b>11. Noise Abatement and Control</b><br/>[Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]</p> | <p><input checked="" type="radio"/> A<br/><input type="radio"/> B</p> | <p>The proposed project is in compliance. This project does not meet the definition of a "noise sensitive land development," and is therefore not subject to the HUD rule. See 24 CFR 51.101(a)(2).</p> <p>Construction noise will be a temporary impact that will be controlled by best management practices Construction nose will be within applicable city, state, and federal codes. Construction noise in not expected to have an impact to the project or surrounding areas.</p>   |
| <p><b>12. Sole Source Aquifers</b><br/>[Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]</p>         | <p><input checked="" type="radio"/> A<br/><input type="radio"/> B</p> | <p>The proposed project is in compliance. The proposed project site is located with the Coastal Plain soil source aquifer. See <b>AC_SW_CheckValves_SoleSourceMap</b>. Based upon the screening criteria for non-housing project activities listed in the EPA Region 2/HUD 1990 Sole Source Aquifer Memorandum of Understanding (MOU), the project is exempt from USEPA review. .</p> <p>Source: EPA Region 2/HUD 1990 Sole Source Aquifer MOU</p> <p>NJDEP GeoWeb</p> <p>NJDEP HUD Environmental Review Tool 3.0</p>   |

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| <b>13. Wetlands Protection</b><br>[24 CFR 55, Executive Order 11990, particularly sections 2 & 5]                      | <input checked="" type="radio"/> A<br><input type="radio"/> B | <p>The proposed project is in compliance. The proposed project includes the rehabilitation of approximately 100 stormwater check valves throughout the City's Back-bay environment. Using the NJDEP HUD Environmental Review Tool 3.0, polygons were drawn to incorporate all 100 check valves, therefore encompassing land areas outside of the immediate work areas of the check valves. The inspection and replacement of check valves would occur at existing locations of check valves. No new land disturbance or increase in the current footprint of disturbance which would displace coastal or freshwater wetlands is expected as a result of the replacement of check valves.</p> <p>See <b>AC_SW_CheckValves_WetlandsMaps</b>.</p> <p>Source: NJDEP HUD Environmental Review Tool 3.0</p> |
| <b>14. Wild and Scenic Rivers</b><br>[Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297] | <input checked="" type="radio"/> A<br><input type="radio"/> B | <p>The proposed project is in compliance. The proposed project is not located within 1/4 mile of the stream bank of a designated wild and scenic river or within one (1)-mile radius of a designated wild and scenic river. The closest Wild and Scenic River Area is Great Egg Harbor, and it is located approximately 5 miles from the project. See <b>AC_SW_CheckValves_WSRBuffer</b>.</p> <p>Source: NJDEP HUD Environmental Review Tool 3.0</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: [Project complies with 24 CFR 51.303(a)(3)]

The project is in compliance. The proposed project is approximately 7.3 miles southeast of Atlantic City International Airport and 42.8 miles from Lakehurst Naval Air Station. See **AC\_CheckValves\_AirportClearZones**.

**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: [Proceed with Project]

The proposed project is in compliance. The proposed project is located outside a coastal barrier resource area. See **AC\_SW\_CheckValves\_CoastalBarrierMaps**.

**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:

The proposed project is in compliance. The proposed project is located in a tidal flood zone designated as AE with a base flood elevation of 10 feet above mean sea level. The proposed project will not impact the floodplain by introducing new fill. See attached

**AC\_SW\_CheckValves\_FEMA\_Map**. NFIP flood insurance is not required as the project activity involves improvements to existing infrastructure within a FEMA- identified Special Flood Hazard Area.

The Floodplain Management Checklist was used to conduct the Floodplain 8-Step Analysis, and determine if the proposed project could potentially affect floodplains or their occupants. It was determined that "the proposed action could potentially be adversely affected by the floodplain." The review was conducted against the 100 year floodplain, which is set at 9 feet elevation per ABFE and the PRELIM flood hazard data, and 10 feet elevation by the FIRM Panel flood hazard data. In addition, the proposed project is also located in a floodway or coastal high hazard area. Mitigation measures to protect existing floodplain values will be incorporated into the proposed project. There is no practicable alternative to relocate the project outside of the 100- year floodplain, and there is no potential to limit the proposed actions. See **AC\_SW\_CheckValves\_8StepAnalysis**.

A public notice of the New Jersey Department of Community Affairs' (NJDEA) intent to consider funding the proposed project in the 100-year floodplain was published in the *Press of Atlantic City* on

June 8, 2020, and a Spanish translation of the notice was published in the *El Diario* on June 8, 2020. A copy of the public notice and proofs of publication are attached with the 8-Step Analysis. As required by regulation, the notice also included the name, proposed location, description of the proposed project, and the NJDCA contact for information, as well as the location and hours. A copy of the notice was emailed on June 8, 2020 to agencies known to have an interest in floodplain activities. See **AC Resilience Program\_Combined Early Floodplain English Public Notices\_FINAL** and **AC Resilience Program Combined Early Spanish Public Notice\_Final**.

No comments were received within the 15-day comment period required by 24 CFR 55.20(b) (see attached no comments received emails). See **20200629 Email\_no public comments**.

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.**

**N/A**

## Summary of Findings and Conclusions

**Field Inspection** (Date and completed by):

Two (2) field inspections were completed by Benjamin Zee, Amy Bennett, and Glenn Donohue of Brinkerhoff Environmental Services of the proposed project area on February 12, 2020 and May 5, 2020. No visible evidence of hazardous waste, materials or substances were observed in the area of the proposed project. It should be noted the locations of the each check valve were not known at the time of the reconnaissance, and the inspection was limited to visuals during driving and a desktop review.

**Summary Statement of Findings and Conclusions:**

The proposed project would address the need to inspect, repair and or replace various stormwater check values along the City's Back Bay area. The check values have been attributed to the increased flooding in the area. The proposed project is in compliance with all applicable statutory authorities and would have no significant impact on the environment. Permits from the NJDEP DLUR under the Coastal Zone Management Rules, Flood Hazard Area Rules, and Tidelands may be required. Specific permit conditions will be determined in conjunction with final design and specifications.

**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 the proposed project changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.

## Floodplain Management, Flood Insurance, Wetland Protection, Erosion, Drainage/StormWater Runoff, and Surface Water

3. Implement and maintain best management practices for erosion and sedimentation control.
4. Dispose of any displaced soil in an area outside the floodplain and wetlands.
5. Construction activities must comply with the New Jersey Standards for Soil Erosion and Sediment Control. The contractor will be responsible for securing a Soil Erosion and Sediment Control Plan Certification from the Atlantic County Conservation District.

6. 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 certified soil erosion and sedimentation control plan.

## **Historic Preservation**

7. In the event that archeological or human remains are discovered during the construction process, the project must be halted until an archeologist can view and assess the finds. The applicant will inform NJDEP immediately and will consult with the State Historic Preservation Office (SHPO) and Tribal Historic Preservation Office (THPO).

## **Sole Source Aquifers**

8. Implement diesel controls, cleaner fuel, and cleaner construction practices for on-road and off- road equipment used for transportation, soil movement, or other construction activities, including:

a.Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; and b. Use of clean diesel through add-on technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.

9. Use Low Impact Development (LID) principles such as minimizing effective imperviousness to create site drainage, and the planting of native and non-invasive vegetation on the project site for stormwater management purposes. Other LID practices can include bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

10. Use cost-effective, environmentally friendly landscapes.

11. Incorporate energy-efficient technologies.

## Noise

12. During the temporary construction activities, outfit all equipment with operating mufflers.

13. During the temporary construction activities, comply with the applicable local noise ordinance.

## Air Quality

14. Use water or chemical dust suppressant in exposed areas to control dust.

15. Cover the load compartments of trucks hauling dust-generating materials.

16. To avoid adverse air quality impacts, compliance with the regulatory requirements of New Jersey's Air Rules continue to remain in effect. Activities must still meet the State's Air Pollution Control requirements, e.g. obtaining permits when necessary, adherence to idling limitations, implementation of all responsible measures to mitigate dust and fugitive emissions from demolition and construction and complying with all state and federal rules for demolition of structures which may contain asbestos.

16. 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).



17. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (less than 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).

18. Wash heavy trucks and construction vehicles before they leave the site.

19. Reduce vehicle speed on non-paved areas and keep paved areas clean.

20. Retrofit older equipment with pollution controls.

21. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.

22. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.

## **Hazardous Materials**

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

## **CERTIFICATIONS**

Amy Bennett, Brinkerhoff  
Environmental

2020-09-29 15:08:13

Preparer Agency and Name

Completion Date

Samuel R. Viavattine

RE Certifying Officer Name



RE Certifying Officer Signature

10/14/2020

RE CO Signature Date