

STATUTORY CHECKLIST [§58.35(a) activities]

for Categorical Exclusions and Environmental Assessments

Note: Review of the items on this checklist is required for both Categorical Exclusions under Sec. 58.35(a) and projects requiring an Environmental Assessment under Sec. 58.36. If no compliance with any of the items is required, a Categorical Exclusion [58.35(a)] may become "exempt" under the provisions of Sec. 58.34 (a) (12). In such cases attach the completed Statutory Checklist to a written determination of the exemption. Projects requiring an Environmental Assessment under Sec. 58.36 cannot be determined to be exempt even if no compliance with Statutory Checklist items is found. Three items listed at Sec. 58.6 are applicable to all projects, including those determined to be exempt.

**Project Name and Identification/Location: SHAW Residence #2364
92 Rockledge Drive
Waterbury, Connecticut**

Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
Document Laws and authorities listed at 24 CFR Sec. 58.5							
1. Historic Properties [58.5(a)] [Section 106 of NHPA]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consulted with State Historic Preservation Office (SHPO) See attached No Effect Letter dated 8/6/14.
2. Floodplain Management [58.5(b)] [EO 11988] [24 CFR 55]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Flood Insurance Map Community Panel # 09009C0119H 12/17/2010 See attached FIRMLET. Located in Zone X.
3. Wetland Protection [58.5 (b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Anticipated impacts on wetlands minimal due to majority of activities limited to pre-storm building footprint. Consulted City of Waterbury Inland Wetlands. See attached Designated Inland Wetlands and Watercourses of Waterbury map.
4. Coastal Zone Management [58.5(c)] [CGS 22a-100(b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project is not within Coastal Zone Boundry. Spoke with George Wisker at DEEP and was total there is no map for Waterbury.
5. Water Quality – Aquifers [58.5(d)] [40 CFR 149] Clean Water Act 1977 Safe Drinking Water Act 1974	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Quality – N/A Project does not involving on-site water and sewer facilities nor is it located in a sole source aquifer zone.
6. Endangered Species [58.5(e)] [16 U.S.C. 1531 et seq.] [CGS 26-310]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NOT LOCATED AT WATERFRONT PROPERTIES WITH SANDY BEACHES - consult with Department of Interior Fish and Wildlife Database – See attached Department of Interior Fish and Wildlife report dated September 22, 2014.
7. Wild and Scenic Rivers [58.5 (f)] [16 U.S.C. 1271 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Eightmile River is only designated wild & scenic river within program area running through Lyme, Salem and East Haddam, CT (rivers.gov; November 2012) This project is not proximal to any listed Wild and Scenic Rivers.
8. Air Quality [58.5(g)] [42 U.S.C. 7401 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clean Air Act, State Implementation Plan, HUD & EPA Regulations; in general, residential rehabilitation exempted w/no quantifiable increase in air pollution. Project is soley

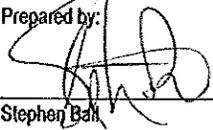
Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
							residential rehabilitation with no quantifiable increase in air pollution..
9. Farmland Protection [58.5(h)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Agricultural land use conversion not anticipated. Adverse effects to agricultural resources are not anticipated; clearly defined urban areas . Location not considered protected farmland
Manmade Hazards: 10 A. Thermal Explosive [58.5(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A for projects that do not add density
10 B. Noise [58.5(j)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not applicable to project – restoration of structure substantially as it existed prior to Super Storm Sandy.
10 C. Airport Clear Zones [58.5 (k)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not applicable - Two (2) FAA designated Commercial Service airports in program area: Tweed New Haven Regional and Groton-New London. This property is not located in an Airport Clear Zone.
10 D. Toxic Sites [58.5 (l)(2)(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site has no known toxic history based on the attached Toxix Site Certification. The site: 1) is not listed on EPA Superfund National Priorities or CERCLA list. 2) is not located within 3,000ft of a toxic or solid waste landfill. 3) is not known to have an underground storage tank (which is not an underground storage fuel tank). 4) is not known or suspected to be contaminated by radioactive chemicals or radioactive materials.
11. Environmental Justice [58.5(l)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Executive Order 12898 Program activities do not anticipate high & adverse human health and environmental effects on minority or low-income populations;
Document Laws and authorities listed at Sec. 58.6 and other potential environmental concerns							
12 A. Flood Insurance [58.6(a) & (b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Flood Insurance Map Community Panel # 09009C0108H 12/17/2010 See attached FIRMLET Flood Insurance not required.
12 B. Coastal Barriers [58.6(c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property is not in a Coastal Management Zone.
12 C. Airport Clear Zone Notification [58.6(d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not applicable - Two (2) FAA designated Commercial Service airports in program area: Tweed New Haven Regional and Groton-New London. The project does not involve the purchase or sale of an existing property in an airport clear zone.

Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
13. A. Solid Waste Disposal [42 U.S.C. §3251 et seq.] and [42 U.S.C. 6901-6987 eq seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Resource Conservation and Recovery Act and Solid Waste Disposal Act; - Residential rehabilitation activities are not expected to affect the capacities of solid waste disposal services.
13 B. Fish and Wildlife [U.S.C. 661-666c]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fish and Wildlife Coordination Act: Program activities will not result in impounding, diverting, deepening, channelizing or modification of any stream or body of water; not a water control project.
13 C. Lead-Based Paint [24 CFR Part 35] and [40 CFR 745.80 Subpart E]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Lead paint found - See attached Limited Hazardous Materials Inspection Report from Fuss & O'Neill EnviroScience LLC dated July 2014 and follow recommendations listed in report. Toxic levels of Lead were identified in the matrix of vinyl windows and baseboard and not included in the proposed demolition. Since the windows and baseboards are not considered a painted surface, a lead hazard does not exist and a lead risk assessment was not conducted.
13 D. Asbestos	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Asbestos found – See attached Limited Hazardous Materials Inspection Report from Fuss & O'Neill EnviroScience LLC dated July 2014 and follow recommendations listed in report. Compliance will include measures to minimize risk of exposure and when necessary abate any hazardous materials
13 E. Radon [50.3 (f) 1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Radon concentration less than 4 picocuries per liter of air and are below regulatory levels. See attached Limited Hazardous Materials Inspection Report from Fuss & O'Neill EnviroScience LLC dated July 2014.
13 F. Mold	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mold Found - See attached Limited Hazardous Materials Inspection Report from Fuss & O'Neill EnviroScience LLC dated July 2014 and recommendations for remediation.
Other: State or Local 14 A. Flood Management Certification [CGS 25-68]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Based on FEMA Map 09009C0108H a Flood Management Certification through General Permit for CDBG-DR program activities with DEEP is not required.
14 B. Structures, Dredging & Fill Act [CGS 22a-359 through 22a-363f]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not applicable – this project is not waterward of the Coastal Jurisdiction Line.
14 C. Tidal Wetlands Act [CGS 22a-28 through 22a-35]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not located in Tidal wetlands
14 D. Local Inland wetlands/watercourses [CGS 22a-42]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not located in wetlands. Consulted City of Waterbury Inland Wetlands. See attached Designated Inland Wetlands and Watercourses of Waterbury map.
14 E. Various Municipal Zoning Approvals-	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Only Local Building Permits required.

DETERMINATION:

- This project converts to Exempt, per §58.349a(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 drawn down for this (now) EXEMPT project; OR
- This project cannot convert to Exempt because one or more statutes/authorities requires consultation or litigation. Complete consultation/mitigation requirements, publish NOI/RRF and obtain Authority to Use Grant Funds (HUD 7015.16) per §58.70 and 58.71 before drawing down funds; OR
- The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

Prepared by:



Stephen Ball

9/26/14

Date

Responsible Entity or designee Signature:



Herma Delaire, CDBG-DR Program Manager

10/1/14

Date