



**CITY OF MIDDLETOWN**  
***Department of Planning, Conservation, & Development***

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**2008 Environmental Review Record**

**Environmental Review – Categorical Exclusions (b)**

The following activities have been reviewed under the provisions of Part 58.35 and have been found to be categorically excluded from the provisions of the National Environmental Protection Act (NEPA). It has also been determined that no further environmental review is required under this Part and that a ROF is not required

**2008 Housing Authority Federal Funded Projects**

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- The Housing Authority of the City of Middletown- Walnut Street Improvements \$715,000

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Michiel Wackers

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Date

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William Warner

\_\_\_\_\_  
Date

## NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

March 3, 2009

City of Middletown

245 Dekoven Drive

Middletown, CT 06457

860-344-3425

On or about March 10, 2009 the City of Middletown will authorize the Housing Authority of the City of Middletown to submit a request to the HUD Hartford State Office for the release of Capital Fund Program and Capital Fund Replacement Housing Factor funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake a project known as Traverse Square Boiler Replacement for the purpose of replacing heating and domestic hot water system and replace a retaining wall and steps for 47 unit family low income Federal Public Housing Facility. It is estimated that the project will cost \$715,000 and will take place at Traverse Square in Middletown.

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements or alternative. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at the Middletown Department of Planning, Conservation and Development, 245 DeKoven Drive, Room 202, Middletown, CT, 06457 and may be examined or copied weekdays 8:30 A.M to 4:30 P.M.

### PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the City of Middletown, Department of Planning, Conservation and Development. All comments received March 10, 2009 will be considered by the City of Middletown prior to authorizing submission of a request for release of funds.

### RELEASE OF FUNDS

The City of Middletown certifies to the HUD Hartford State Office that Mayor Sebastian Giuliano in his capacity as Mayor consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's Hartford State Office approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City of Middletown Housing Authority to use Program funds.

## OBJECTIONS TO RELEASE OF FUNDS

HUD Hartford State Office will accept objections to its release of funds and the City of Middletown's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Middletown; (b) the City of Middletown has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by the HUD Hartford State Office; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to the HUD Hartford State Office; One Corporate Center 19<sup>th</sup> Floor; Hartford, CT 06103. Potential objectors should contact the Environmental Officer, HUD Hartford State Office at 860-240-4800 ext. 3072 or by fax at 860-240-4850 to verify the actual last day of the objection period.

Mayor Sebastian Giuliano  
City of Middletown

**HUD Project ID:**



**Environmental Review Record**

**2009 Walnut Street Public Housing Broiler, Retaining Wall, and Steps**

**Replacement**

*Applicant* : Middletown Housing Authority

*HUD Project ID* :

**Amount Approved: \$ 715,000**

**Eligibility:**

*National Objective* : LMH- Low/Mod Housing 570.208(a)(3)

*Eligible Activity* : 14C- Public Housing Modernization 570.202

*Will assist* : Households, *Number Assisted* : 47

**Rules and Regulations:**

*Environmental Study Required?* : Categorical Exclusion(a)

*Lead Hazard Reduction Required?* : Yes

*Will be applied to the following spending cap* : NA

*Will be applied to Low/Mod Benefit(70% of funds need to assist LM)* : Yes

**Project Description:**

Replace heating and domestic hot water system for 47 unit family low income Federal Public Housing Facility. Facility will not be expanded. A retaining wall, and steps will be replaced.



# Statutory Checklist

**Project Name:** Middletown Housing Authority / Walnut Street Public Housing Broiler, Retaining Wall, and Steps Replacement

**Street Address:** Traverse Square between Church Street and William Street, Middletown, CT

**HUD project ID:**

**Local ID:**

## Area of Statutory or Regulatory Compliance

### **Historic Properties:** Not Applicable to this Project

Compliance Documentation: Property is not listed in the Middletown Historic inventory.

Historical & Architectural Resources (GMPTI-1979 amended 1991); SHPO; Historic Resources Consultant EO, Middletown Survey, GMPTI, MOA

Statute Authority: Farmland Protection Policy Act of 1981 (7 USC 4201 et seq) particularly sections 1504(b) & 1541

### **Floodplain Management:** Not Applicable to this Project

Compliance Documentation: Property not located within the Special Flood Hazard Areas

See attached NFIA maps for City of Middletown Panels

Statute Authority: EO 11988, "Floodplain Management", particularly section 2(a).

24 CFR Part 55 "Floodplain Management" (HUD)

### **Wetlands Protection:** Review Required

Compliance Documentation: Property has wetlands on the property. Staff reviewed the location of the wetlands with proposed areas of activity and determined that a IWWA permit was not required from the Middletown Inlands Wetlands & Watercourse Agency.

City of Middletown Official Inlands Wetlands & Watercourses Map dated 7/82

Statute Authority: EO 11990, "Protection of Wetlands," particularly sections 2&5

Draft 24 CFR Part 55 "Floodplain Management" (42 FR 26961- 5/25/97)

### **Coastal Zone Management:** Not Applicable to this Project

Compliance Documentation: Not Applicable- Inland Community

Statute Authority: Coastal Zone Management Act of 1972, as amended (16 USC 1451 et seq., particularly section 1424(e))

### **Water Quality- Aquifers:** Not Applicable to this Project

Compliance Documentation: No State designated aquifers; City of Middletown Zoning Code Section 42

Statute Authority: Safe Drinking Water Act of 1974 (42 USC 201, 300(f) et seq, and 21 USC 349), particularly section 1424(e)

40 CFR Part 149 "Sole Source Aquifers" (EPA)

### **Endangered Species:** Review Required

Compliance Documentation: Located within an NDDB area of concern. Review by DEP required

State and Federal listed Species and significant natural communities Map, Middletown, June 2008.

Endangered Species Act of 1973 as amended

Statute Authority: Endangered Species Act of 1973 (16 USC 1531 et seq), particularly section 7 (16 USC 1536)

50 CFR Part 402 "Endangered Species Act" (DOI & Commerce)

### **Wild and Scenic Rivers:** Not Applicable to this Project

Compliance Documentation: Property is not located within one mile of a designated Wild and Scenic River

Consulted US Dept of Interior website: <http://www.nps.gov/rivers/wildriverslist.html#ct>

Statute Authority: Wild and Scenic Rivers Act of 1968 (16 USC 1271 et seq), particularly section 7(b) & (c); 36 CFR Part 297

### **Air Quality:** Not Applicable to this Project

Compliance Documentation: HUD ESRI maps reveal that no near by air emissions, and site visit confirms

EPA enviomapper and HUD's ERSI maps- <http://www.epa.gov/oar/oaqps/greenbk/>

Statute Authority: Clean Air Act of 1970, as amended (42 USC 7401 et seq), particularly section 176(c)&(d); 40 CFR parts 6,51&93(EPA)

### **Farmlands Protection:** Not Applicable to this Project

Compliance Documentation: Property is not currently being farmed.

Farmlands Protection Act of 1981 (7 CFR Part 658)

Statute Authority: Farmland Protection Policy Act of 1981 (7 USC 4201 et seq) particularly sections 1504(b) & 1541

7 CFR Part 658, "Farmland Protection Policy" (USDA)

### **Manmade Hazards- Thermal/Explosive:** Not Applicable to this Project

Compliance Documentation: Consultation w/ Fire Marshall; FO

Statute Authority: Housing and Community Development Act of 1974, as amended

24 CFR Part 51 Subpart C "Siting of HUD-Assisted Projects Near Hazardous Operations Handling Petroleum Products or Chem of an Explosive or Flammable Nature" (HUD)

**Manmade Hazards- Noise: Not Applicable to this Project**

Compliance Documentation: Site Visit reveals no manmade noise hazards,

21 CFR Part 51- HUD Noise Assessment Guidelines

Statute Authority: Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978 ; 24 CFR Part 51 Subpart B "Noise Abatement and Control" (HUD)

**Manmade Hazards- Airport Clear Zone: Not Applicable to this Project**

Compliance Documentation: No FAA designated clear zones in Middletown

Statute Authority: 24 CFR Part 51 Subpart D "Siting of HUD-Assisted Projects in Clear Zones and Accident Potential Zones" (HUD)

**Manmade Hazards- Toxic Sites: Not Applicable to this Project**

Compliance Documentation: No hazardous sites near to property.

HUD E-Maps- <http://198.102.62.140/emaps/SearchFrame.asp>

EPA Maps- <http://www.epa.gov/compliance/environmentaljustice/assessment.html>

Statute Authority: 24 CFR Part 58.5 (i)(2) (HUD)

**Environmental Justice: Not Applicable to this Project**

Compliance Documentation: Site visit revealed no conditions to determine environmental justice, and EPA enviromapper and HUD ESRI maps do not reveal any adjacent or nearby conditions to determine environmental justice.

EPA Maps- <http://www.epa.gov/compliance/environmentaljustice/assessment.html>

Statute Authority: EO 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"

## **Federal Requirements**

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**Flood Insurance- 58.6(a): Not Applicable to this Project**

Compliance Documentation: Properties not located within the Special Flood Hazards Area.

FEMA Flood Insurance Rate Maps (FIRM)

See attached NFIA maps for City of MiddletownPanel

Statute Authority: Federal Disaster Protection Act of 1973, as amended National Flood Insurance Reform Act of 1994 (42 USC sec 4001)

44 CFR Parts 59-77 "Regulations of the National Flood Insurance Program" (FEMA)

**Coastal Barriers- 58.6(b): Not Applicable to this Project**

Compliance Documentation: Not Applicable- Inland Community

Statute Authority: Coastal Barrier Resources Act, as amended (16 USC 3501)

**Airport Clear Zone Notification- 58.6(c): Not Applicable to this Project**

Compliance Documentation: No FAA designated clear zones in Middletown

Statute Authority: 24 CFR Part 51 Subpart D "Siting of HUD-Assisted Projects in Clear Zones and Accident Potential Zones" (HUD)

**Water Quality: Not Applicable to this Project**

Compliance Documentation: Water & Sewer Department

Statute Authority: Federal Water Pollution Control Act (PL 92-500) as amended

**Solid Waste Disposal: Not Applicable to this Project**

Compliance Documentation: Public Works & DEP

Statute Authority: Solid Waste Disposal Act as amended by Resource Conservation & Recovery Act

**Fish and Wildlife: Not Applicable to this Project**

Compliance Documentation: City of Middletown Inland Wetlands & Watercourses Regs last revised 1997

Statute Authority:

## **State or Local Statues**

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**State or Local Statues: Permits Required**

Compliance Documentation: The project will require local building permits

Statute Authority: State and Local Ordinances

**Lead Based Paint: Conditions and/or Mitigation Actions Required**

Compliance Documentation: If project disturbs any material containing lead paint, project must abate or mitigate

Statute Authority:

**Asbestos: Not Applicable to this Project**

Compliance Documentation: If project will disturb material containing asbestos, therefore the asbesto containing material must be removed according to asbesto abatement requirements

DEP Disposal Certification & Notice required.

Statute Authority:

**Asbestos Disposal:** Not Applicable to this Project

Compliance Documentation: If project will remove material containing asbestos, therefore the asbestos containing material must be disposed of according to asbestos disposal requirements.

DEP Disposal Certification & Notice required

Statute Authority:

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**Prepared By:** Michiel Wackers

Deputy Director of Planning, Conservation and Development  
City of Middletown