



NEPA Categorical Exclusion Determination Form

Program or Field Office: U.S. Department of Energy (DOE) Office of Legacy Management (LM)

Project Title: Construction easement and property transfer at the FUSRAP Middlesex South, New Jersey, Site

Location: Middlesex South, New Jersey, Site

Proposed Action or Project Description:

DOE LM is proposing to transfer the Formerly Utilized Sites Remedial Action Program (FUSRAP) Middlesex South, New Jersey, Site to the Borough of Middlesex to construct a public road extension and to develop a new department of public works (DPW) facility. LM is proposing to provide an easement to the Borough to facilitate the public road construction prior to the actual property transfer. DPW construction is not anticipated to occur until the property is transferred. The Middlesex South site is approximately 9.54 acres and is located at 239 Mountain Avenue, at the intersection of Mountain Avenue and South Avenue, in the Borough of Middlesex, Middlesex County, New Jersey, 18 miles southwest of Newark. The property is currently undeveloped and grass-covered; it is vacant land zoned for industrial use. The site is a DOE-owned FUSRAP site regulated under the Comprehensive Environmental Response, Compensation, and Liability Act. The site is identified on the National Priorities List as the Middlesex Sampling Plant with the Comprehensive Environmental Response, Compensation, and Liability Information System identification number NJ0890090012.

The property transfer would result in beneficial reuse and it would take place in accordance with the requirements of Title 10 Code of Federal Regulations Section 770 (10 CFR 770), "Transfer of Real Property at Defense Nuclear Facilities for Economic Development." The property is being transferred in two phases. The initial phase involves the transfer of the southern parcel, which is not impacted by groundwater contamination. Both the public road extension and the proposed DPW facility would be constructed in this parcel. The northern parcel is impacted by groundwater contamination and would be retained by the government until the groundwater remedial action is implemented. The northern parcel would then be transferred to the Borough to complete the entire property transfer action. Road construction would be performed by the Borough and its contractor(s) while the property is still in DOE custody. Activities that are planned by the Borough after the property transfer are not included in this CXE. The schedule for proposed activities is unknown. The 10 CFR 770 required transfer package is being prepared for submittal to DOE headquarters in November 2019. The entire transfer process may take 18 to 24 months.

Categorical Exclusion(s) Applied:

- A1 – Routine DOE business actions
- B1.24 – Property Transfers

For the complete DOE National Environmental Policy Act (NEPA) regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of Title 10 *Code of Federal Regulations* Section 1021 (10 CFR 1021).

Regulatory Requirements in 10 CFR 1021.410(b): (See full text in regulation)

- The proposal fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D

To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

- There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.

**NEPA Compliance Officer Signature and
Determination Date**

David S. Shafer, PhD