



State of New Jersey

Department of Environmental Protection
SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM
Division of Remediation Management
Remediation Oversight Element
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Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Commissioner

March 24, 2020

PPG Industries, Inc.
Mr. Mark Terril
Director, Environmental Affairs
One PPG Place
Pittsburgh, PA 16066
Via email

Approval

Re: **Consent Judgment Compliance Letter**

Remedial Action Type: **Unrestricted Use – Soil**

Scope of Remediation: **Area of Concern for Chromate Chemical Production Waste (CCPW) and CCPW-Impacted Soil (AOC 133E-1A)¹**

Hudson County Chromate (HCC) Site 133 – Ross Wax
22 Halladay Street
Block 21509 Portion of Lot 1
Jersey City, Hudson County, NJ
SRP PI# 025695 Activity #RPC900001

Dear Mr. Terril:

The New Jersey Department of Environmental Protection (Department) has reviewed the site soil remediation documents submitted by PPG Industries, Inc. pursuant to Paragraph 23.E of the 2011 Consent Judgment (*Remedial Investigation Report – Soil [RIR]* dated February 2012, *Supplemental Soil Remedial Investigation Report – Soil [SSRIR]* dated August 2018, *Remedial Action Work Plan [RAWP]* dated September 2018, and *Remedial Action Report [RAR]* dated August 2019), associated documents regarding remediation of chromate chemical production waste (CCPW) and CCPW-related metals in soil at the referenced block and lot, information in the Department's case file, and the certified representations and information provided to the Department.

The Department concurs with PPG that all remedial actions are complete for Area of Concern (AOC) 133E-1A at the referenced block and lot within the limits of excavation as depicted on the attached figure (Figure 1-2 of the RAR).

¹ This JCO Compliance Letter excludes Soil AOC 133E-1B (CCPW-impacted soils in Grid rows P through R plus Grids S43A and S44A) and Soil AOC 133E-2A (soil impacted from manufactured gas plant [MGP] constituents).

Based on the information provided, the Department concludes that the remediation of CCPW and CCPW-related metals in soil in AOC 133E-1A satisfies the requirements of the Consent Judgment in *New Jersey Department of Environmental Protection, et al. v. Honeywell International Inc., et al.* Docket No C-77-05, Superior Court of New Jersey Chancery Division-Hudson County (filed September 7, 2011) (“Consent Judgment”), the Partial Consent Judgment Concerning the PPG Sites, filed June 26, 2009 and the July 19, 1990 Administrative Consent Order between the Department and PPG, the Technical Requirements for Site Remediation at N.J.A.C. 7:26E, and the Administrative Requirements for Remediation of Contaminated Sites at N.J.A.C. 7:26C. As a result, the Department has determined that the remediation of the CCPW and CCPW-related metals in soil in AOC 133E-1A is not subject to further review pursuant to N.J.S.A. 58:10C-21 and 58:10C-25.

By operation of law, a Covenant Not to Sue pursuant to N.J.S.A. 58:10B-13.2 applies to this remediation of CCPW and CCPW-related metals in soil in AOC 133E-1A as shown on the attached Figure 1-2 of the August 2019 RAR. The Covenant Not to Sue is subject to any conditions and limitations contained herein, and remains effective as long as the real property referenced above continues to meet those conditions. This includes the need to continue to comply with any permit PPG Industries, Inc. is required to obtain. Anticipated permits include, but are not limited to monitoring well installation permits for any new monitoring wells, and well decommissioning notice per N.J.A.C. 7:9D-3 for the eventual decommissioning of any site monitoring wells.

This letter serves as the functional equivalent to No Further Action (“NFA”) letters issued pursuant to N.J.S.A. §58:10B-13.1 and N.J.A.C. §7:26C before those provisions were amended effective in 2012 to no longer authorize NFA letters. The Department recognizes this letter as serving the same function as previously served by NFA letters, and satisfies the same legal obligations formerly met by NFA letters, for sites regulated directly by the Department.

If you have any questions regarding this matter, please contact me at (609) 984-1351.

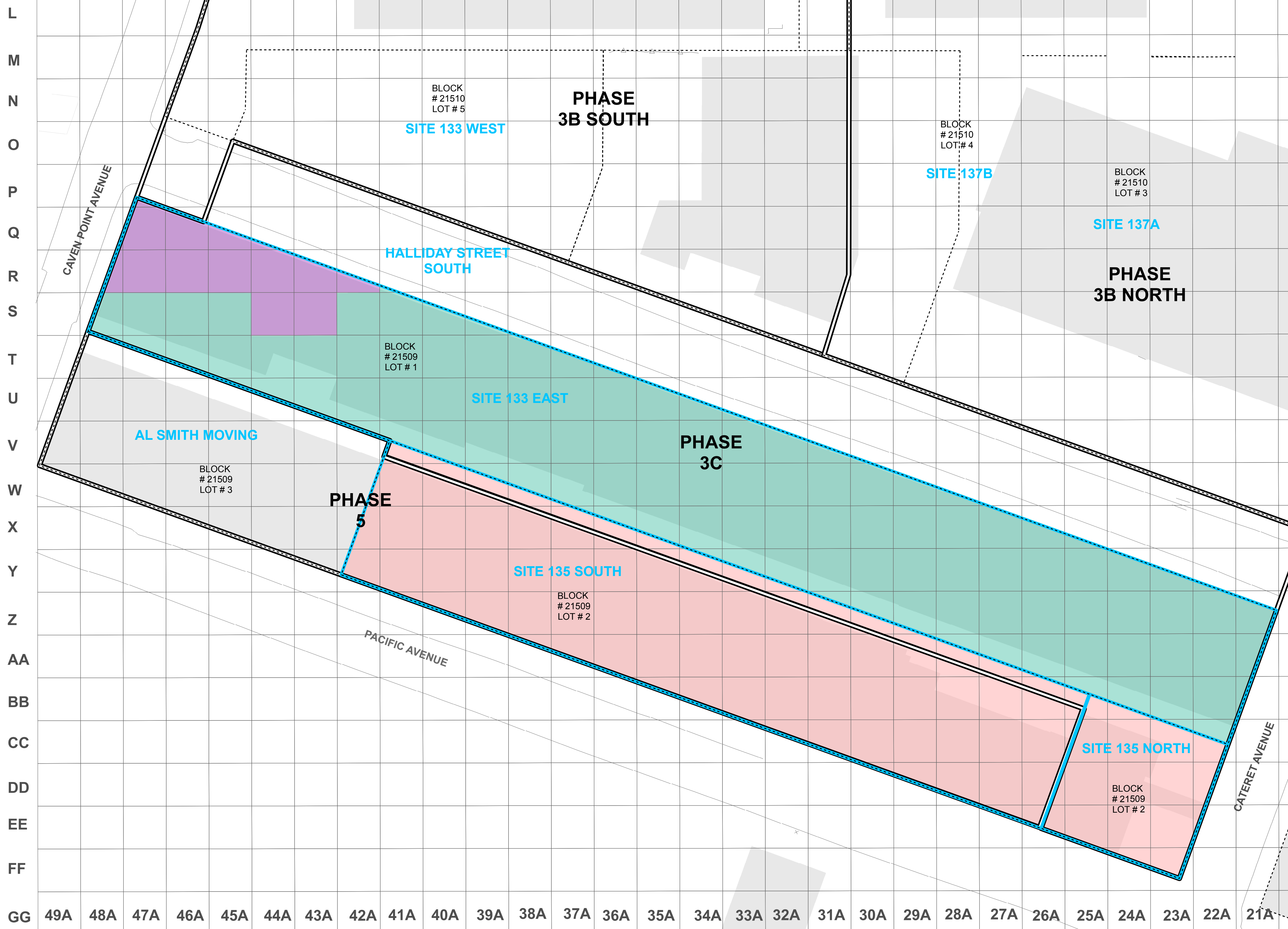
Sincerely,



Wayne C. Howitz, Assistant Director
Site Remediation NJDEP

cc: Jersey City Department of Health & Human Services
Municipal Clerk, City of Jersey City
Hudson Regional Health Commission
David Doyle, NJDEP Case Manager
Kirstin Pointin-Hahn, NJDEP BCAIN
Ronald J. Riccio, Site Administrator
James D. Ray, MDM&C LLP
J. Nicholas Strasser, Law Department, City of Jersey City



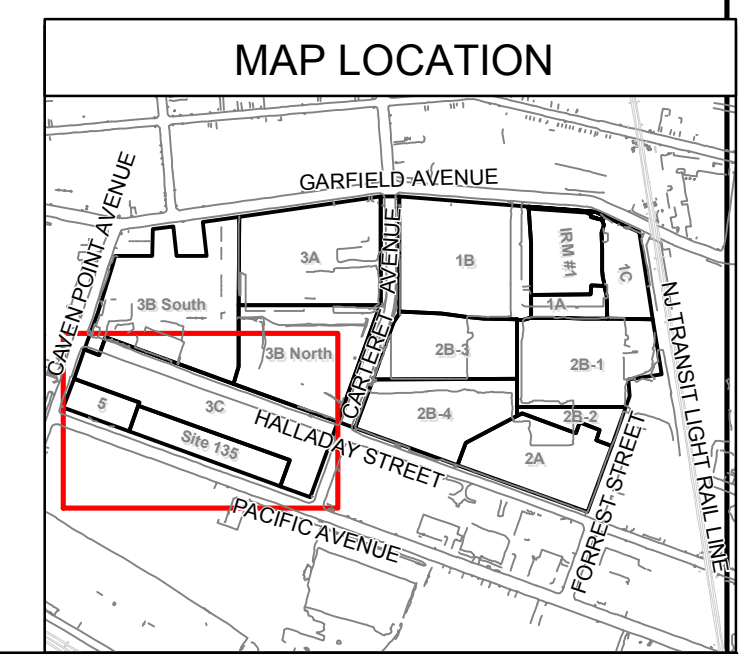


NOTES:

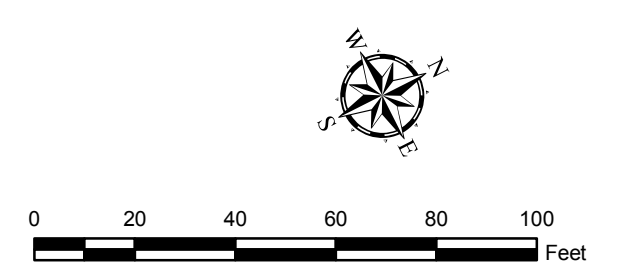
- Source of block/lot information is Jersey City Parcel Data from New Jersey Geographic Information Network (NJGIN), last updated 10/6/2015 (available at: <http://data.jerseycitynj.gov/dataset/jersey-city-parcel-polygon>).
- Property lines are sourced from the "Boundary and Line Delineation Map, PPG Site, Lot 1 & 2, Block 21509, Jersey City, Hudson County, New Jersey" prepared by Borbas Surveying and Mapping, LLC, dated July 21, 2014.

AOC - area of concern

- Legend**
- PROPERTY LINE
 - ▭ SITE BOUNDARIES
 - ▭ PHASE BOUNDARY
 - ▭ GRID
 - ▭ AOC 135-1
 - ▭ AOC 133E-1A AND AOC 133E-2A
 - ▭ AOC 133E-1B
 - ▭ FORMER BUILDING SLAB



GG 49A 48A 47A 46A 45A 44A 43A 42A 41A 40A 39A 38A 37A 36A 35A 34A 33A 32A 31A 30A 29A 28A 27A 26A 25A 24A 23A 22A 21A



PPG
 SITE 133 EAST AND SITE 135
 GARFIELD AVENUE GROUP
 JERSEY CITY, NEW JERSEY
 DATE: 08/27/2018

SITE PLAN
 FIGURE 1-2