



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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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Commissioner

June 26, 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-Related Metals in Soil (AOC 137-1A)¹**

Hudson County Chromate Site 137 North

Rudolf Bass and a Portion of TSI City Carriers

45 Halladay Street and a Portion of 25 Halladay Street

Block 21510 Lot 3 and a Portion of Block 21510 Lot 4

Jersey City, Hudson County, NJ

SRP PI# G000008753; 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. (PPG) pursuant to Paragraph 23.E of the September 7, 2011 Consent Judgment (as defined herein), including the *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 July 2019, associated documents regarding remediation of chromate chemical production waste (CCPW) and CCPW-related metals in soil at the referenced block and lots, 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) 137-1A at the referenced block and lots as depicted on the attached figure (Figure 1-2 of the RAR).

¹ This Consent Judgment Compliance Letter addresses all soil contamination governed by the 2009 Partial Consent Judgment and the 2011 Consent Judgment as defined herein at Site 137 except (i) Soil AOC 137-1B (CCPW and CCPW-impacted soils in Site 137 South) and (ii) Soil AOC 137-2A (soil impacted by manufactured gas plant [MGP] – related constituents associated with the former Halladay Street Gas Works). A separate Consent Judgment compliance letter will be issued for AOC 137-1B when appropriate. It is anticipated that a Response Action Outcome (RAO) will be issued by the LSRP employed by PSE&G for AOC 137--2A. Once the RAO is issued, the Department would be able to issue a separate letter for soil AOC 137-2A that references the RAO to document completion of the remedy.

Based on the information provided, the Department concludes that the remediation of CCPW and CCPW-related metals in soil in AOC 137-1A 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 (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 CCPW and CCPW-related metals in soil in AOC 137-1A 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 137-1A as shown on the attached Figure 1-2 of the 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 is issued pursuant to Section 23G(b) of the 2011 Consent Judgment. It serves as the functional equivalent to a No Further Action (“NFA”) letter 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 an NFA letter, and satisfies the same legal obligations formerly met by an NFA letter, for sites regulated directly by the Department.

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

Sincerely,

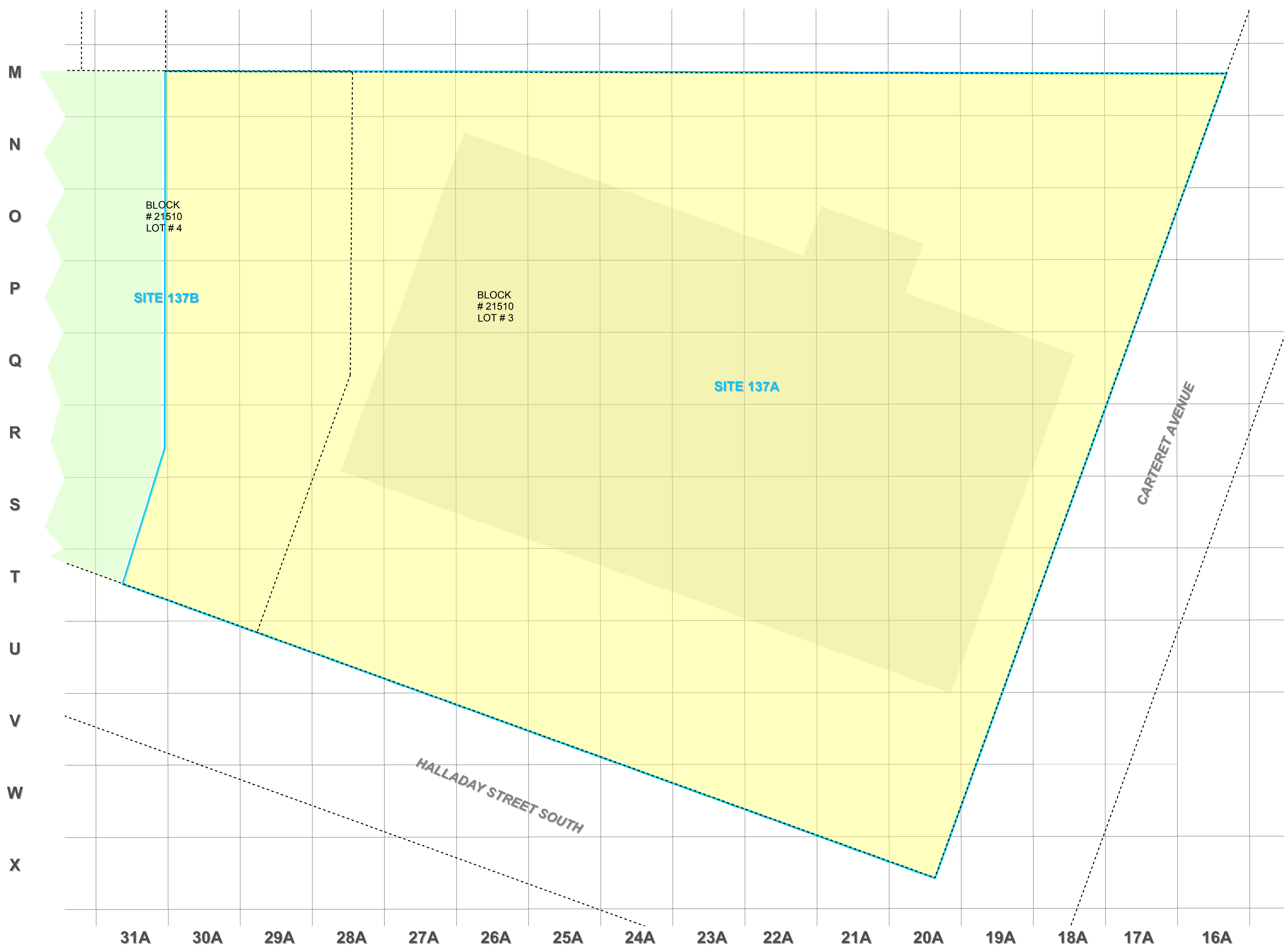


Wayne C. Howitz, Assistant Director
Site Remediation NJDEP

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



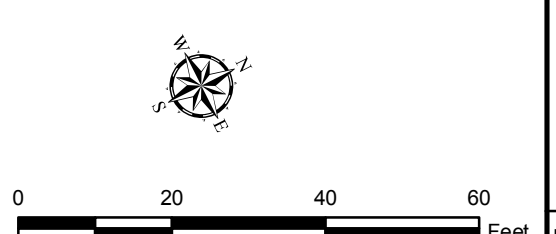
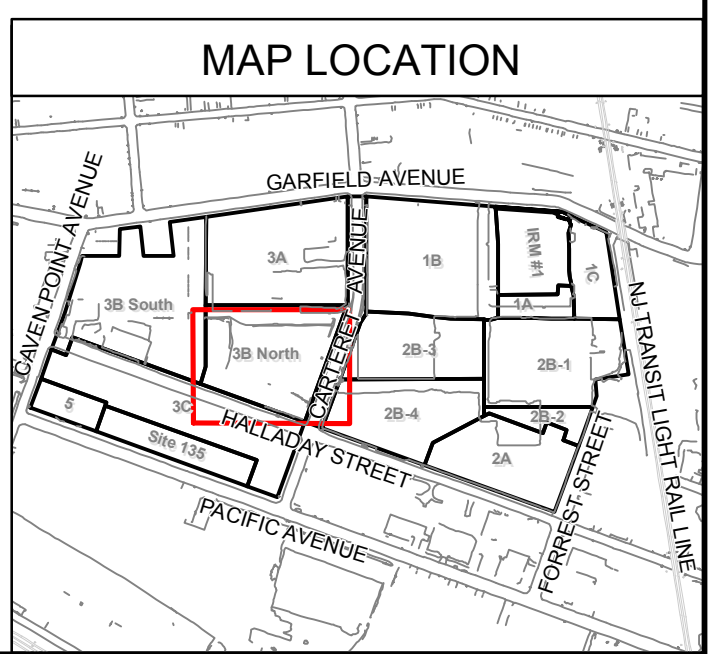
SITE 132



ABBREVIATIONS:
AOC - Area of Concern
ft - feet
NAVD88 - North American Vertical Datum of 1988

GENERAL NOTES:
G1. 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>).
G2. Property lines are sourced from the "Boundary & Topographical Survey, PPG Site, Lot 5, Block 21510, Jersey City, Hudson County, New Jersey" prepared by Borbas Surveying and Mapping, LLC, dated May 30, 2014 and the "Boundary & Topographical Survey, PPG Sites 132 and 143, Lots 1 and 2, Block 21510, Jersey City, Hudson County, New Jersey" prepared by Borbas Surveying and Mapping, LLC, dated September 4, 2014.

- LEGEND**
- PROPERTY LINE
 - GRID LAYOUT
 - SITE 137 NORTH BOUNDARY
 - FORMER BUILDING SLAB (AVERAGE ELEVATION 13.9 FT NAVD88)
 - AOC 137-1A and AOC 137-2A
 - AOC 137-1B



PPG
SITE 137 NORTH
GARFIELD AVENUE GROUP
JERSEY CITY, NEW JERSEY
DATE: 12/04/2018

Site Plan for Site 137 North
FIGURE 1-2

Path: P:\Jobs\18064_Eng\Project Files\PPG Industrial\Garfield Avenue\GIS\Map\ASSET\137N\MO01\Figure 1-2_Site_137N.mxd