

## **Appendix J**

### **Notice in Lieu of Deed Notice**

Return Address:  
Aptim Environmental & Infrastructure, LLC  
17 Princess Road  
Lawrence Township, NJ

NOTICE IN LIEU OF DEED NOTICE

THIS DOCUMENT SHALL BE DISTRIBUTED TO THE ENTITIES IDENTIFIED IN ACCORDANCE WITH N.J.A.C. 7:26C-7.2(b)2.

Prepared by: \_\_\_\_\_

\_\_\_\_\_  
Crystal L. Leavey

Recorded by: \_\_\_\_\_

\_\_\_\_\_

This Notice in Lieu of a Deed Notice is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by The City of Bayonne, 630 Avenue C, Bayonne, New Jersey 07002 (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. The City of Bayonne, 630 Avenue C, Bayonne, New Jersey 07002, is the owner in fee simple of certain real property located within the right-of-way of a portion of West 1st Street, Bayonne, New Jersey and adjacent to and abutting certain real property designated as Block 383, Lot 3; Block 383, Lot 4; Block 383, Lots 5, 6, 7, and 8; Block 384, Lots 1 and 2; Block 385, Lots 1 and 2; Block 385, Lots 3 and 6 on the tax map of the City of Bayonne, Hudson County, New Jersey from approximately thirty feet west of the centerline of Islandview Court to approximately sixty-five feet west of the centerline of Avenue C. The New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is G000011472/Hudson County Chromate 174; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. The New Jersey Department of Environmental Protection (Department) has approved this Notice in Lieu of a Deed Notice as an institutional control for the Property, which is part of the remediation of the Property for chromium-related impacts. The Property is subject to a Partial Consent Judgment Concerning PPG Sites entered into by NJDEP, the City of Jersey City, and PPG and approved by the Superior Court of New Jersey on June 26, 2009 (Superior

Court of New Jersey, Chancery Division-Hudson County, Docket No. C-77-05 (“Consent Judgment”). Pursuant to the Consent Judgment, PPG has responsibility for chromite ore processing residue, chromium and its compounds at Hudson County Chromate Site 174 in accordance with the Consent Judgment.

ii. N.J.A.C. 7:26C-7 requires the Owner, among other persons, to obtain a soil remedial action permit for the soil remedial action at the Property. That permit will contain the monitoring, maintenance and biennial certification requirements that apply to the Property.

3. SOIL CONTAMINATION. PPG has remediated contaminated soil at the Property, such that soil contamination remains at certain areas of the Property that contains contaminants in concentrations that do not allow for the unrestricted use of the Property. Such soil contamination is described, including the type, concentration and specific location of such contamination, and the existing engineering controls on the site are described, in Exhibit B, which is attached hereto and made a part hereof. As a result, there is a statutory requirement for this Notice in Lieu of a Deed Notice and engineering controls in accordance with N.J.S.A. 58:10B-13.

4. CONSIDERATION. In accordance with the remedial action for the site which included the Property, and in consideration of the terms and conditions of that remedial action, and other good and valuable consideration, Owner has agreed to subject the Property to certain statutory and regulatory requirements that impose restrictions upon the use of the Property, to restrict certain uses of the Property, and to provide notice to subsequent owners, lessors, lessees and operators of the Property of the restrictions and the monitoring, maintenance, and biennial certification requirements outlined in this Notice in Lieu of a Deed Notice and required by law, as set forth herein.

5A. RESTRICTED AREAS. Due to the presence of contamination remaining at concentrations that do not allow for unrestricted use, the Owner has agreed, as part of the remedial action for the Property, to restrict the use of certain parts of the Property (the "Restricted Areas"); a narrative description of these restrictions is provided in Exhibit C, which is attached hereto and made a part hereof. The Owner has also agreed to maintain a list of these restrictions available for inspection by governmental officials.

5B. RESTRICTED LAND USES. The following statutory land use restrictions apply to the Restricted Areas:

i. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(10), prohibits the conversion of a contaminated site, remediated to non-residential soil remediation standards that require the maintenance of engineering or institutional controls, to a child care facility, or public, private, or charter school without the Department’s prior written approval, unless a presumptive remedy is implemented; and

ii. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(12), prohibits the conversion of a landfill, with gas venting systems and or leachate collection systems, to a single family residence or a child care facility.

5C. ENGINEERING CONTROLS. Due to the presence and concentration of these contaminants, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls on the Property; a narrative description of these engineering controls is provided in Exhibit C.

6A. CHANGE IN OWNERSHIP AND REZONING.

i. The Owner and the subsequent owners, lessors, and lessees, shall cause all leases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Notice in Lieu of a Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.

ii. The Owner and the subsequent owners shall provide written notice to the Department on a form provided by the Department and available at <https://www.state.nj.us/dep/srp/srra/forms/> within 30 calendar days after the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the Owner's or subsequent owner's interest in the Restricted Area.

iii. The Owner and the subsequent owners shall provide written notice to the Department, on a form available from the Department at <https://www.state.nj.us/dep/srp/srra/forms/>, within thirty (30) calendar days after the owner's petition for or filing of any document initiating a rezoning of the Property to residential.

6B. SUCCESSORS AND ASSIGNS. This Notice in Lieu of a Deed Notice shall be binding upon Owner and upon Owner's successors and assigns, and subsequent owners, lessors, lessees and operators while each is an owner, lessor, lessee, or operator of the Property.

7A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. The Owner and all subsequent owners, lessors, and lessees shall notify any person, including, without limitation, tenants, employees of tenants, and contractors, intending to conduct invasive work or excavate within the Restricted Areas, of the nature and location of contamination in the Restricted Areas, and, of the precautions necessary to minimize potential human exposure to contaminants.

ii. Except as provided in Paragraph 7B, below, no person shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Property which disturbs any engineering control at the Property without first retaining a licensed site remediation professional (LSRP). Nothing herein shall constitute a waiver of the obligation of any person to comply with all applicable laws and regulations including, without limitation, the applicable rules of the Occupational Safety and Health Administration.

iii. A soil remedial action permit modification is required for any permanent alteration, improvement, or disturbance and the owner, lessor, lessee or operator shall submit the following within 30 days after the occurrence of the permanent alteration, improvement, or disturbance:

(A) A Remedial Action Workplan or Linear Construction Project notification and Final Report Form, whichever is applicable;

(B) A Remedial Action Report and Termination of Deed Notice Form; and

(C) A revised recorded Deed Notice with revised Exhibits, and Remedial Action Permit Modification or Remedial Action Permit Termination form and Remedial Action Report.

iv. No owner, lessor, lessee or operator shall be required to obtain a Remedial Action Permit Modification for any temporary alteration, improvement, or disturbance, provided that the site is restored to the condition described in the Exhibits to this Deed Notice, and the owner, lessee, or operator complies with the following:

(A) Restores any disturbance of an engineering control to pre-disturbance conditions within 60 calendar days after the initiation of the alteration, improvement or disturbance;

(B) Ensures that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance, and during the restoration;

(C) Ensures that human exposure to contamination in excess of the remediation standards does not occur; and

(D) Describes, in the next biennial certification the nature of the temporary alteration, improvement, or disturbance, the dates and duration of the temporary alteration, improvement, or disturbance, the name of key individuals and their affiliations conducting the temporary alteration, improvement, or disturbance, the notice the Owner gave to those persons prior to the disturbance.

7B. EMERGENCIES. In the event of an emergency which presents, or may present, an unacceptable risk to the public health and safety, or to the environment, or an immediate environmental concern, see N.J.S.A. 58:10C-2, any person may temporarily breach an engineering control provided that that person complies with each of the following:

i. Immediately notifies the Department of Environmental Protection of the emergency, by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;

ii. Hires a Licensed Site Remediation Professional (unless the Restricted Areas includes an unregulated heating oil tank) to respond to the emergency;

- iii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;
- iv. Implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the contamination;
- v. Notifies the Department of Environmental Protection when the emergency or immediate environmental concern has ended by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337; and
- vi. Restores the engineering control to the pre-emergency conditions as soon as possible; and
- vii. Submits to the Department of Environmental Protection within sixty (60) calendar days after completion of the restoration of the engineering control, a report including: (a) the nature and likely cause of the emergency; (b) the measures that have been taken to mitigate the effects of the emergency on human health and the environment; (c) the measures completed or implemented to restore the engineering control; and (d) the changes to the engineering control or site operation and maintenance plan to prevent reoccurrence of such conditions in the future.

#### 8. TERMINATION OF NOTICE IN LIEU OF A DEED NOTICE.

- i. This Notice in Lieu of a Deed Notice may be terminated only upon recording a Department-approved Termination of Deed Notice (in this case, Notice in Lieu of Deed Notice), available at N.J.A.C. 7:26C Appendix C, with the Affected Parties as identified in N.J.A.C. 7:26C-7.2(b)2, expressly terminating this Notice in Lieu of a Deed Notice.
- ii. Within 30 calendar days after recording a Department-approved Termination of Deed Notice (in this case, Notice in Lieu of Deed Notice) , the owner of the property should apply to the Department for termination of the soil remedial action permit pursuant to N.J.A.C. 7:26C-7.

9. ACCESS. The Owner, and the subsequent owners, lessors, lessees, and operators agree to allow the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this Notice in Lieu of Deed Notice and to conduct additional remediation to ensure the protection of the public health and safety and of the environment if the subsequent owners, lessors, lessees, and operators, during their ownership, tenancy, or operation, and the Owner fail to conduct such remediation pursuant to this Notice in Lieu of a Deed Notice as required by law. The Owner, and the subsequent owners, lessors, and lessees, shall also cause all leases, subleases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring that all holders thereof provide such access to the Department.

#### 10. ENFORCEMENT OF VIOLATIONS.

i. This Notice in Lieu of a Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, nor to create a lien against the Property, but merely is intended to provide notice of certain conditions and restrictions on the Property and to reflect the regulatory and statutory obligations imposed as a conditional remedial action for this site.

ii. The restrictions provided herein may be enforceable solely by the Department against any person who violates this Notice in Lieu of a Deed Notice. To enforce violations of this Notice in Lieu of Deed Notice, the Department may initiate one or more enforcement actions pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C, and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C.

11. SEVERABILITY. If any court of competent jurisdiction determines that any provision of this Notice in Lieu of Deed Notice requires modification, such provision shall be deemed to have been modified automatically to conform to such requirements. If a court of competent jurisdiction determines that any provision of this Notice in Lieu of a Deed Notice is invalid or unenforceable and the provision is of such a nature that it cannot be modified, the provision shall be deemed deleted from this instrument as though the provision had never been included herein. In either case, the remaining provisions of this Notice in Lieu of a Deed Notice shall remain in full force and effect.

12A. EXHIBIT A. Exhibit A includes the following maps of the Property and the vicinity:

i. Exhibit A-1: Vicinity Map - A map that identifies by name the roads, and other important geographical features in the vicinity of the Property (for example, USGS Quad map, Hagstrom County Maps);

ii. Exhibit A-2: Metes and Bounds Description - A tax map of lots and blocks as well as metes and bounds description of the restricted area within the Property, including references to tax lot and block numbers for the properties adjacent to the Property;

iii. Exhibit A-3: Property Map - A scaled map of the Property, scaled at one inch to 200 feet or less, and if more than one map is submitted, the maps shall be presented as overlays, keyed to a base map; and the Property Map shall include diagrams of major surface topographical features such as buildings, roads, and parking lots.

12B. EXHIBIT B. Exhibit B includes the following descriptions of the Restricted Areas:

i. Exhibit B-1: Restricted Area Map -- A separate map for each restricted area that includes:

(A) As-built diagrams of each engineering control, including caps, fences, slurry walls, (and, if any) ground water monitoring wells, extent of the ground water classification exception area, pumping and treatment systems that may be required as part of a ground water engineering control in addition to the Notice in Lieu of a Deed Notice

(B) As-built diagrams of any buildings, roads, parking lots and other structures that function as engineering controls; and

(C) Designation of all soil and all upland sediment sample locations within the restricted areas that exceed any soil standard that are keyed into one of the tables described in the following paragraph.

ii. Exhibit B-2: Restricted Area Data Table - A separate table for each restricted area that includes either (A) or (B) through (F):

(A) Only for historic fill extending over the entire site or a portion of the site and for which analytical data are limited or do not exist, a narrative that states that historic fill is present at the site, a description of the fill material (e.g., ash, cinders, brick, dredge material), and a statement that such material may include, but is not limited to, contaminants such as PAHs and metals;

(B) Sample location designation from Restricted Area map (Exhibit B-1);

(C) Sample elevation based upon mean sea level;

(D) Name and chemical abstract service registry number of each contaminant with a concentration that exceeds the unrestricted use standard;

(E) The restricted and unrestricted use standards for each contaminant in the table; and

(F) The remaining concentration of each contaminant at each sample location at each elevation.

12C. EXHIBIT C. Exhibit C includes narrative descriptions of the institutional controls and engineering controls as follows:

i. Exhibit C-1: Notice in Lieu of a Deed Notice as Institutional Control: Exhibit C-1 includes a narrative description of the restriction and obligations of this Notice in Lieu of a Deed Notice that are in addition to those described above, as follows:

(A) Description and estimated size in acres of the Restricted Areas as described above;

(B) Description of the restrictions on the Property by operation of this Notice in Lieu of Deed Notice; and

(C) The objective of the restrictions.

ii. Exhibit C-2: Asphalt Capping: Exhibit C-2 includes a narrative description of the Asphalt Capping engineering control as follows:



- (A) Description of the engineering control;
- (B) The objective of the engineering control; and
- (C) How the engineering control is intended to function.

iii. Exhibit C-3: Two-Foot Soil Cap: Exhibit C-3 includes a narrative description of the Asphalt Capping engineering control as follows:

- (A) Description of the engineering control;
- (B) The objective of the engineering control; and
- (C) How the engineering control is intended to function.

13. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

ATTEST: [Name of corporation]

\_\_\_\_\_ By \_\_\_\_\_

\_\_\_\_\_  
[Print name and title] [Signature]

STATE OF [State where document is executed] SS.:  
COUNTY OF [County where document is executed]

I certify that on \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Mayor of the City of Bayonne, the corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is the Mayor of the corporation;
- (c) this document was signed and delivered by the corporation as its voluntary act and was duly authorized;
- (d) this person knows the proper seal of the corporation which was affixed to this document; and

(e) this person signed this proof to attest to the truth of these facts.

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Print name and title of attesting witness]

Signed and sworn before me on \_\_\_\_\_, 20\_\_

\_\_\_\_\_, Notary Public

\_\_\_\_\_  
[Print name and title]

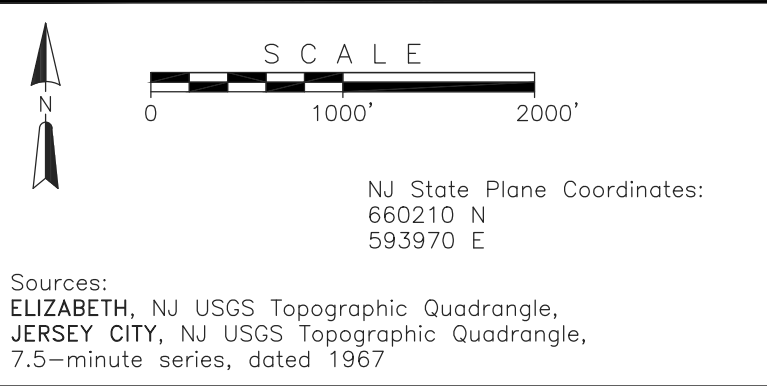
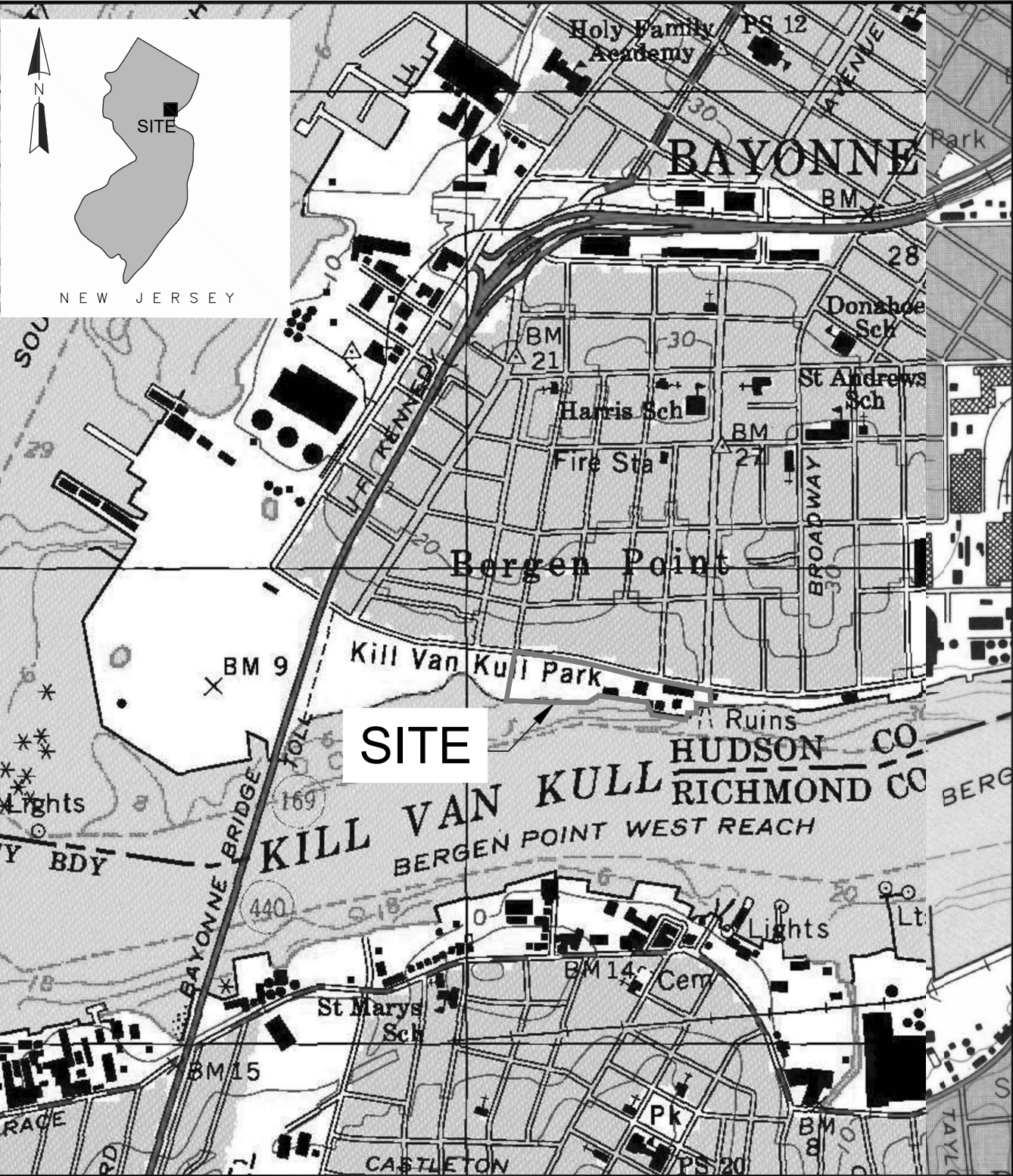

**EXHIBIT A**

**A-1 Vicinity Map**

**A-2 Metes and Bounds Description and Tax Map**

**A-3 Property Map**

DRAWING NUMBER 146429-A1  
 APPROVED BY  
 CHECKED BY 11/17/21  
 C.L.  
 DRAWN BY 11/17/21  
 A.X.

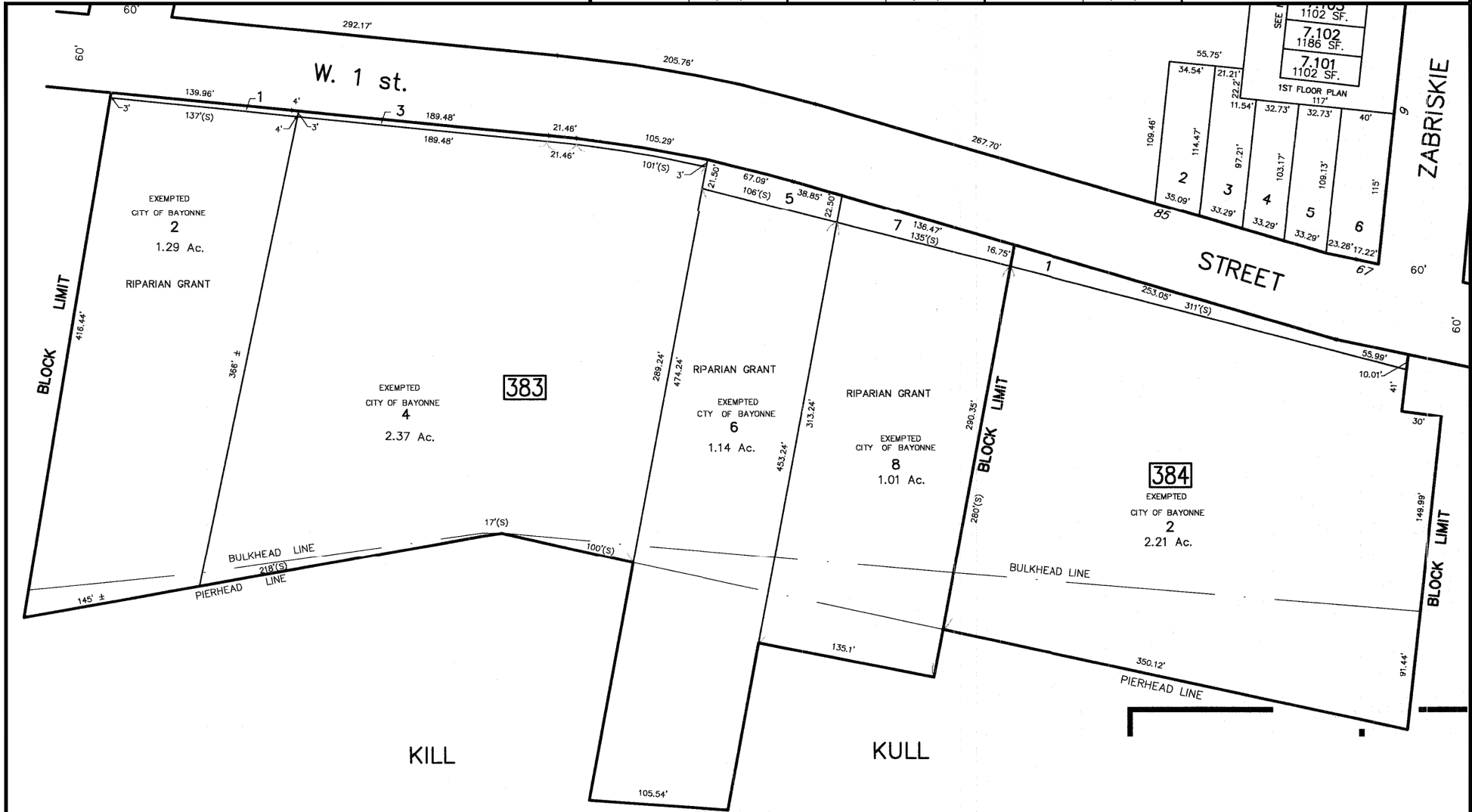
Aptim Environmental & Infrastructure, LLC  
 17 Princess Road  
 Lawrenceville, NJ 08648

EXHIBIT A-1  
 VICINITY MAP  
 PPG HCC SITE 174  
 DENNIS P. COLLINS PARK  
 WEST 1ST STREET BAYONNE,  
 NEW JERSEY

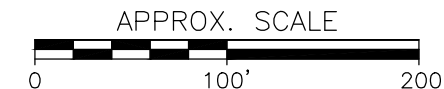
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 Plot Date/Time: Nov 17, 2021 - 12:47pm  
 Plotted By: Andrius.Yanavicius

**EXHIBIT A-2 Metes & Bounds Description**  
*To be provided as part of the Final Notice in Lieu of Deed Notice*

DRAWN BY		CHECKED BY		APPROVED BY		DRAWING NUMBER	
A.Y.	7/13/22	C.L.	7/13/22	C.L.	7/13/22	146429-A2	

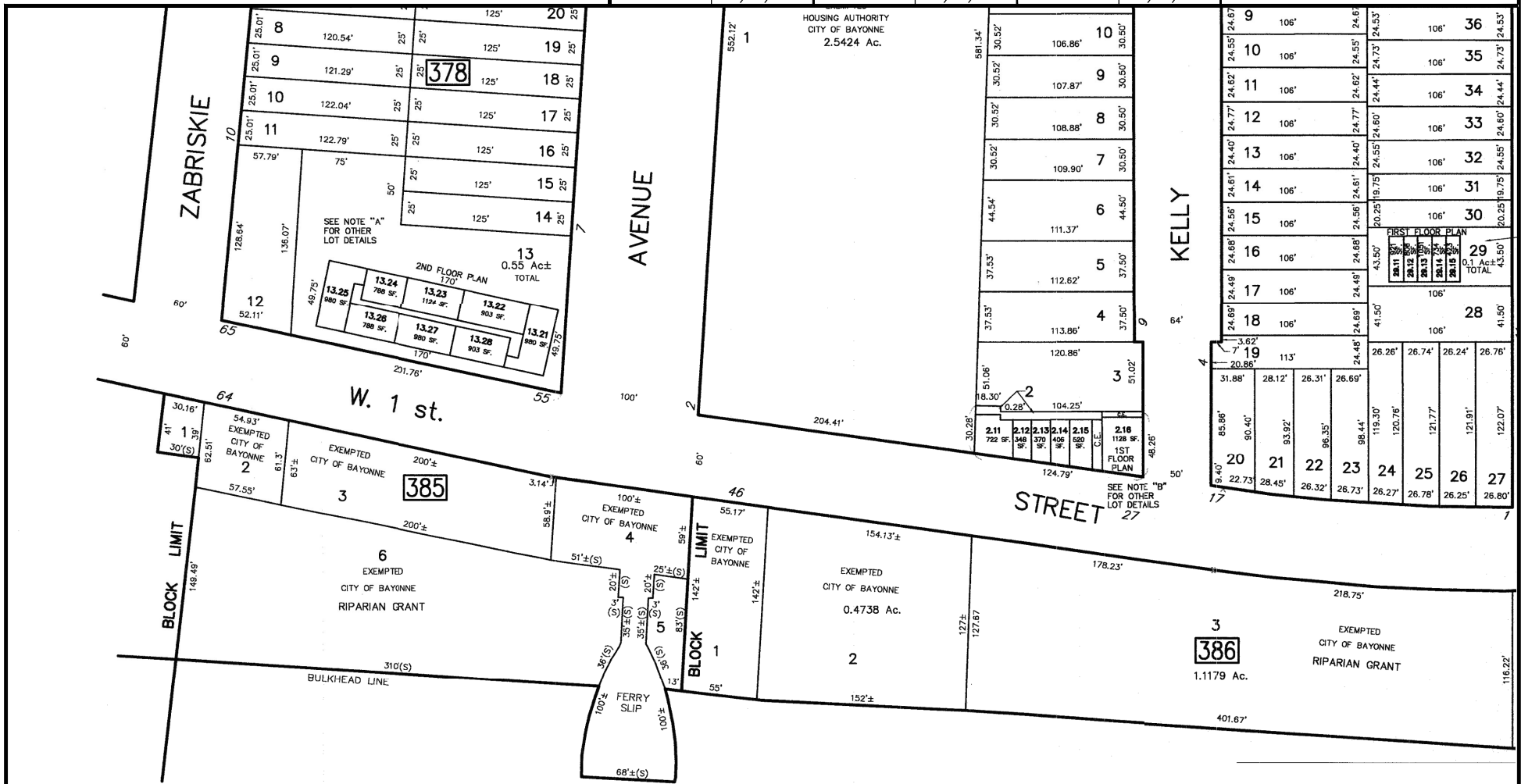


Sources:  
 NJ DEPARTMENT OF TREASURY, DIVISION OF TAXATION  
 CITY OF BAYONNE TAX MAP (SHEET 103) DATED  
 12/14/2005



		Aptim Environmental & Infrastructure, LLC 17 Princess Road Lawrenceville, NJ 08648			
DESIGNED BY:	EXHIBIT A-2 TAX MAP				
C. Leavey	HCC - SITE 174				
DRAWN BY:	DENNIS P. COLLINS PARK				
A. Y.	WEST 1 <sup>ST</sup> STREET				
CHECKED BY:	BAYONNE, NEW JERSEY				
C. Leavey	APPROVED BY:	DATE:	SCALE:	DRAWING NO.	SHEET NO.
C. Leavey	C. Leavey	7/13/22	AS SHOWN	146429-A2	1 OF 2

DRAWN BY		CHECKED BY		APPROVED BY		DRAWING NUMBER	146429-A2
A.Y.	7/13/22	C.L.	7/13/22	C.L.	7/13/22		




KILL

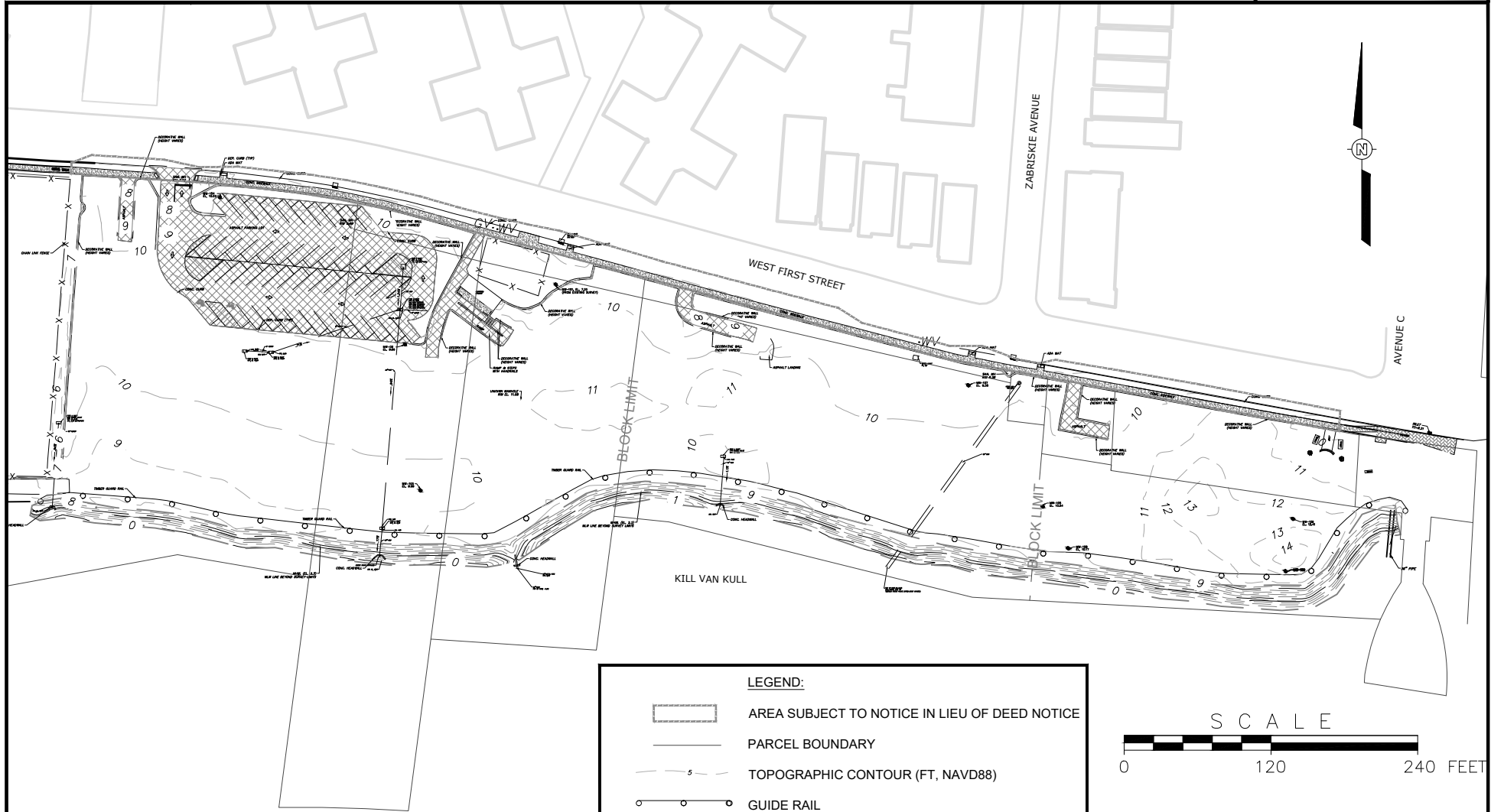
VAN

KULL

Sources:  
 NJ DEPARTMENT OF TREASURY, DIVISION OF TAXATION  
 CITY OF BAYONNE TAX MAP(SHEET 104) DATED 12/14/2005



 Aptim Environmental & Infrastructure, LLC 17 Princess Road Lawrenceville, NJ 08648		EXHIBIT A-2 TAX MAP HCC - SITE 174 DENNIS P. COLLINS PARK WEST 1 <sup>ST</sup> STREET BAYONNE, NEW JERSEY		
		DESIGNED BY: C. Leavey	DRAWN BY: A. Y.	
CHECKED BY: C. Leavey		APPROVED BY: C. Leavey	DATE: 7/13/22	SCALE: AS SHOWN
		DRAWING NO. 146429-A2	SHEET NO. 2 OF 2	



LEGEND:	
	AREA SUBJECT TO NOTICE IN LIEU OF DEED NOTICE
	PARCEL BOUNDARY
	TOPOGRAPHIC CONTOUR (FT, NAVD88)
	GUIDE RAIL
	CONCRETE
	ASPHALT
	CHAIN LINK FENCE
	INLET
	HEADWALL
	MONITORING WELL



**REFERENCE:**

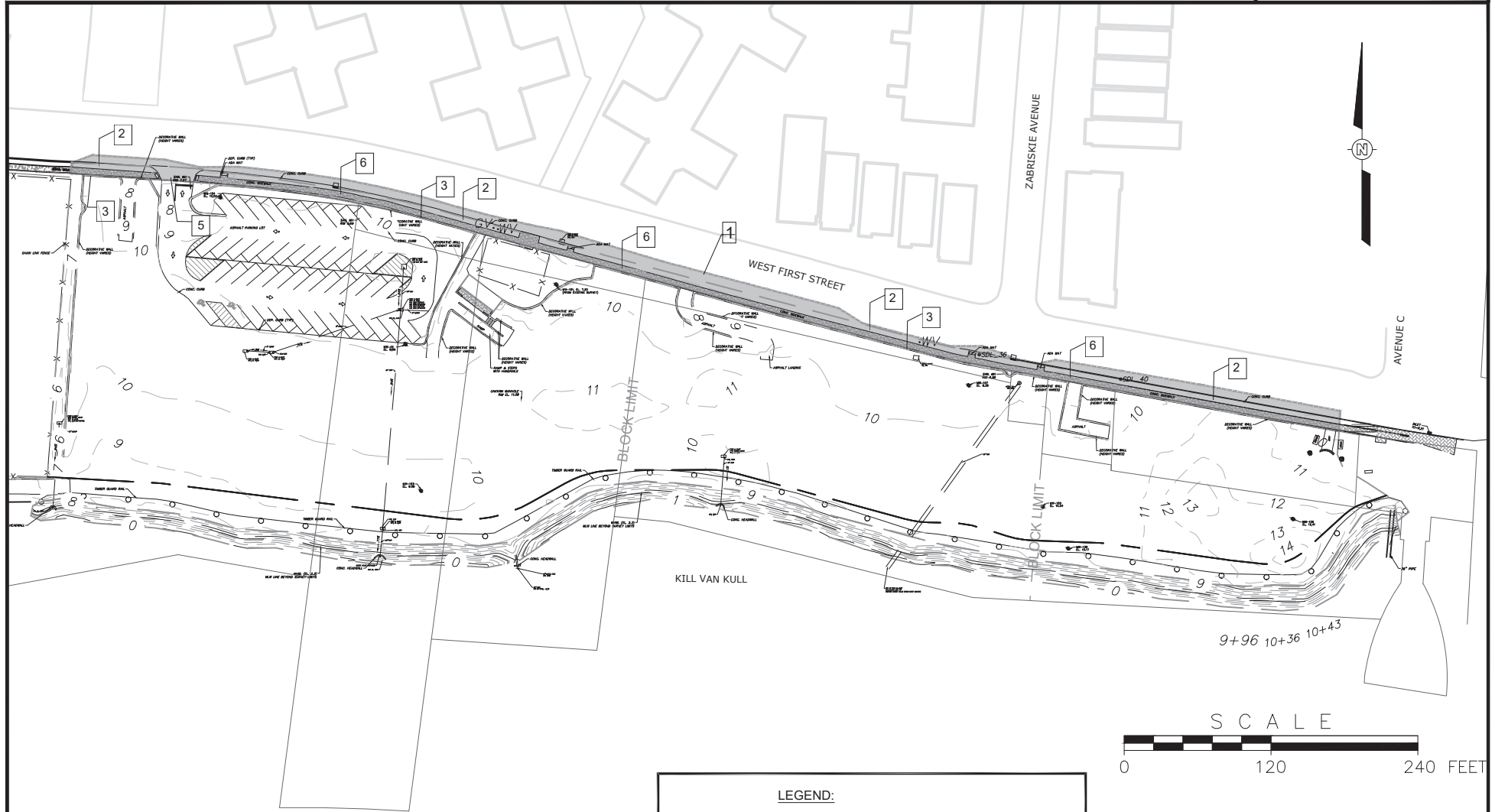
1. FINAL AS-BUILT SURVEY BY COLLIER ENGINEERING AND DESIGN, DRAWING NUMBER V-FINL-ASBT, DATED APRIL 2021. LAST REVISED JUNE 8, 2021.
2. SIDEWALK AS-BUILT PLAN BY PENNONI ASSOCIATES INC. DRAWING NUMBER APTIM21003, DATED SEPTEMBER 30, 2021. LAST REVISED OCTOBER 20, 2021.
3. "POST REMEDIATION AS-BUILT" BY DPK CONSULTING, DRAWING NUMBER 21-9313TP01, DATED DECEMBER 2021. LAST REVISED DECEMBER 21, 2021.
4. HORIZONTAL DATUM NAD83, VERTICAL DATUM NAVD88.
5. ALL OTHER TOPOGRAPHIC CONDITIONS SHOWN HEREON REFER TO MAP REFERENCES.

		Aptim Environmental & Infrastructure, LLC 17 Princess Road Lawrenceville, NJ 08648			
		NOTICE IN LIEU OF DEED NOTICE EXHIBIT A-3 PROPERTY MAP HCC SITE 174 DENNIS P. COLLINS PARK WEST 1 <sup>ST</sup> STREET BAYONNE, NEW JERSEY			
DESIGNED BY:	C. Leavey	DATE:	9/29/22	SCALE:	AS SHOWN
DRAWN BY:	A. Y.	DRAWING NO.:	631230830-A13	SHEET NO.:	-
CHECKED BY:	C. Leavey				
APPROVED BY:	C. Leavey				







**EXHIBIT B**

**B-1 Restricted Area Map**  
**B-2 Restricted Area Data Table**




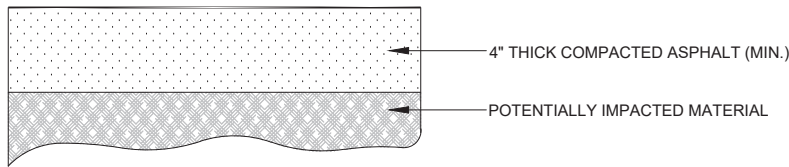
**LEGEND:**

-  RESTRICTED AREA
-  PARCEL BOUNDARY
-  TOPOGRAPHIC CONTOUR (FT, NAVD88)
-  DETAIL (SEE SHEET 2)

**REFERENCE:**

1. FINAL AS-BUILT SURVEY BY COLLIERS ENGINEERING AND DESIGN, DRAWING NUMBER V-FINL-ASBT, DATED APRIL 2021. LAST REVISED JUNE 8, 2021.
2. SIDEWALK AS-BUILT PLAN BY PENNONI ASSOCIATES INC. DRAWING NUMBER APTIM21003, DATED SEPTEMBER 30, 2021. LAST REVISED OCTOBER 20, 2021.
3. "POST REMEDIATION AS-BUILT" BY DPK CONSULTING, DRAWING NUMBER 21-9313TP01, DATED DECEMBER 2021. LAST REVISED DECEMBER 21, 2021.
4. HORIZONTAL DATUM NAD83, VERTICAL DATUM NAVD88.
5. ALL OTHER TOPOGRAPHIC CONDITIONS SHOWN HEREON REFER TO MAP REFERENCES.

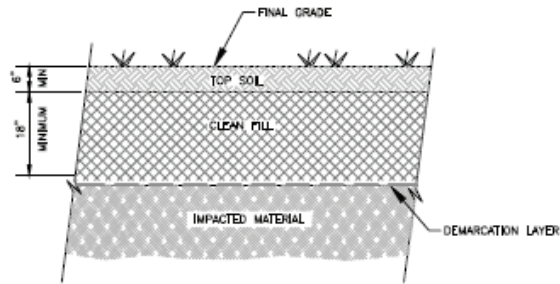
 <b>APTIM</b>		Aptim Environmental & Infrastructure, LLC 17 Princess Road Lawrenceville, NJ 08648		
DESIGNED BY: <i>C. Leavey</i>		<b>EXHIBIT B-1</b> WEST 1 <sup>ST</sup> STREET RESTRICTED AREA MAP PPG HCC - SITE 174 DENNIS P. COLLINS PARK WEST 1ST STREET BAYONNE, NEW JERSEY		
DRAWN BY: A. Y.				
CHECKED BY: <i>C. Leavey</i>				
APPROVED BY: <i>C. Leavey</i>				
DATE:	SCALE:	DRAWING NO.	SHEET NO.	
5/16/22	AS SHOWN	631230830-A12	1 of 2	



TYPICAL SECTION

**DETAIL 1**  
**ASPHALT PAVEMENT**

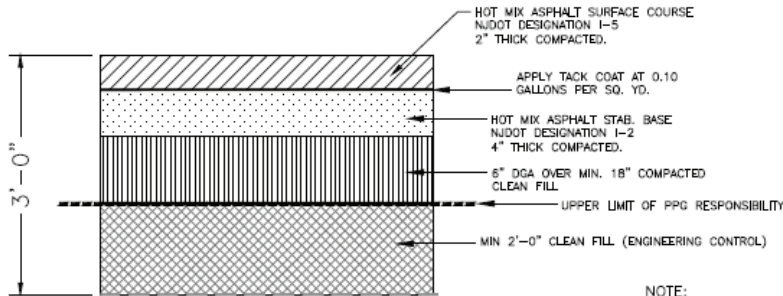
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**DETAIL 2**

**TYPICAL SOIL CAP SECTION**

"NOT TO SCALE"

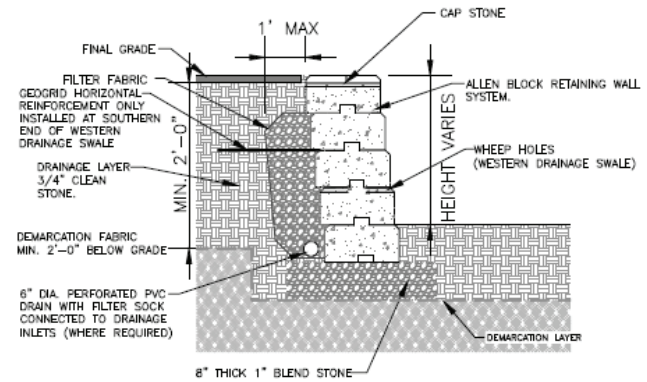


TYPICAL SECTION

**DETAIL 5**  
**HOT MIX ASPHALT PAVEMENT**

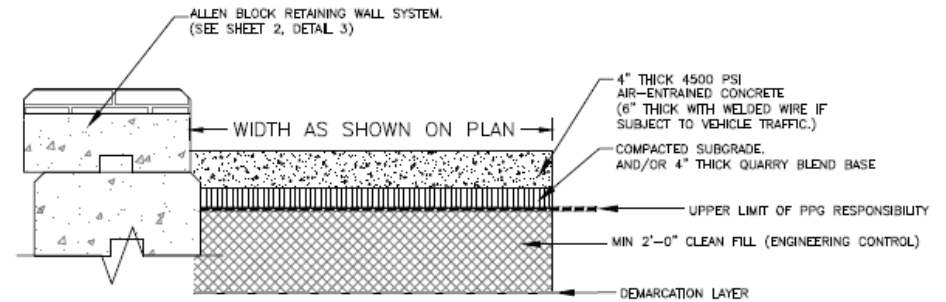
"NOT TO SCALE"

**NOTE:**  
 APPLIES TO PARKING LOT AND DRIVEWAYS.  
 DOES NOT  
 APPLY TO PEDESTRIAN WALKWAYS.



**DETAIL 3**  
**RETAINING WALL**

"NOT TO SCALE"



**DETAIL 6**  
**CONCRETE SIDEWALK**

"NOT TO SCALE"

		Aptim Environmental & Infrastructure, LLC 17 Princess Road Lawrenceville, NJ 08648			
		EXHIBIT B-1 ENGINEERING CONTROLS DETAILS PPG HCC - SITE 174 DENNIS P. COLLINS PARK WEST 1ST STREET BAYONNE, NEW JERSEY			
DESIGNED BY:	C. Leavey	DATE:	1/10/22	SCALE:	AS SHOWN
DRAWN BY:	A. Y.	DRAWING NO.:	631230830-A11	SHEET NO.:	2 of 2
CHECKED BY:	C. Leavey				
APPROVED BY:	C. Leavey				

## **Exhibit B-2**

### **Restricted Area Data Table**

**Certain real property located within the right-of-way of a portion of West 1st Street, Bayonne, New Jersey and adjacent to and abutting certain real property designated as Block 383, Lot 3; Block 383, Lot 4; Block 383, Lots 5, 6, 7, and 8; Block 384, Lots 1 and 2; Block 385, Lots 1 and 2; Block 385, Lots 3 and 6 from approximately thirty feet west of the centerline of Islandview Court to approximately sixty-five feet west of the centerline of Avenue C.**

### **City of Bayonne, Hudson County, New Jersey**

There is the potential for the presence of Chromate Chemical Production Waste (CCPW) in the form of Chromite Ore Processing Residue (COPR) nodules, which is a potential source of hexavalent chromium and CCPW metals (antimony, thallium, nickel, total chromium, and vanadium), in the Restricted Area designated for the Engineering Controls described in Exhibit C-2 and Exhibit C-3. COPR nodules were observed in soil in several locations in the Restricted Area on the Property, as follows:

- A horizon of soil containing CCPW in the form of COPR nodules was observed beneath West 1<sup>st</sup> Street beginning approximately 100 feet west of the centerline of Zabriskie Avenue continue to approximately 300 feet west of the centerline of Zabriskie Avenue.

Trace CCPW nodules may be present anywhere within the fill layer above the native material and below the engineering controls within the horizontal limits of the restricted area. Soil with trace CCPW nodules may be impacted above remedial standards.

## **EXHIBIT C-1**

### **NOTICE IN LIEU OF A DEED NOTICE AS INSTITUTIONAL CONTROL**

#### **A. GENERAL DESCRIPTION OF NOTICE IN LIEU OF DEED NOTICE**

In order to limit exposure to impacted soils, an Institutional Control in the form of a Notice in Lieu of Deed Notice will be employed. The Notice in Lieu of Deed Notice is required by the New Jersey Department of Environmental Protection (NJDEP) as part of the proposed remediation for soils. The Notice in Lieu of Deed Notice will be a notification to existing and future property owners that site soils are contaminated and that the impacted soils will need to be taken into consideration during future intrusive work.

This Notice in Lieu of Deed Notice is for property located in the City of Bayonne, Hudson County, New Jersey and identified as a portion of the right-of-way of West 1<sup>st</sup> Street. The restricted area covered by the deed notice totals approximately 0.1252 acres (5,455 square feet) and is further identified in Exhibits A and B.

1. Description and estimated size of the Restricted Area:

As shown on Exhibit B-1, the restricted area for this Notice in Lieu of Deed Notice includes a portion of the right-of-way of West 1<sup>st</sup> Street, Bayonne, New Jersey and adjacent to and abutting certain real property designated as Block 383, Lot 3; Block 383, Lot 4; Block 383, Lots 5, 6, 7, and 8; Block 384, Lots 1 and 2; Block 385, Lots 1 and 2; Block 385, Lots 3 and 6 on the tax map of the City of Bayonne, Hudson County, New Jersey from approximately thirty feet west of the centerline of Islandview Court to approximately sixty-five feet west of the centerline of Avenue C.

The restricted area covered by the Notice in Lieu of Deed Notice totals approximately 0.38 acres. The vertical extent of the impacted soils to be included in the restricted area extends to native soils within the restricted area. Trace CCPW nodules may be present anywhere within the fill layer above the native material and within the horizontal limits of the restricted area. Soil with trace CCPW nodules may be impacted above remedial standards.

2. Descriptions of the restrictions on the Property:

The soils in the restricted area (see Exhibit B-1 and B-2) may not be disturbed without appropriate actions. Restrictions are primarily limited to intrusive activities below the acceptable engineering controls (i.e., cap) between the depth intervals noted in Exhibit B-1 and Exhibit B-2 below the ground surface within the restricted area on the sites. All soils beneath the engineering control to the top of native soil shall be restricted.

Any activities within the restricted area will require the application of a site-specific health and Safety Plan and may include the use of Personal Protective Equipment (PPE). Soils removed from the depth intervals in the restricted areas shown on Exhibit B-1 and Exhibit B-2 cannot be placed above the cap or transported offsite without property characterization and/or handling. Reasonable construction methods and techniques shall be employed to minimize risk of exposure.

3. The objectives of the restrictions:  
The objective of the Restriction is to prevent impacts to human health and the environment associated with impacted soils on the site via engineering controls.

## **EXHIBIT C-2**

### **ASPHALT CAPPING**

The remedial action installed on the right-of-way of portions of West 1<sup>st</sup> Street includes engineering controls consisting of an asphalt cap.

#### **A. GENERAL DESCRIPTION OF THE ASPHALT CAPPING:**

1. Description of the engineering control:

The asphalt capping covers the Property where concentrations of Chromate Chemical Production Waste (CCPW) and CCPW-related metals may remain in excess of the Department soil remediation criteria and/or standards. The area covered by the asphalt cap is shown on Exhibit B-1.1. The asphalt cap consists of 4-inches of asphalt pavement.

2. The objective of the engineering control:

The objective of the engineering control is to permit the continued use of the property containing hexavalent chromium and CCPW-related metals in excess of the NJDEP Chromium Soil Cleanup Criteria (CrSCC, September 2008, revised April 2010) and/or the NJDEP Residential Direct Contact Soil Remediation Standards (RDCSR, N.J.A.C. 7:26D, September 2017) while preventing direct contact or exposure to contaminants by creating a physical barrier to exposure and limiting the potential impact to the environment.

Trace CCPW nodules may be present anywhere within the fill layer above the native material and within the horizontal limits of the restricted area. Soil with trace CCPW nodules may be impacted above remedial standards.

3. How the engineering control is intended to function:

To protect public health and safety and the environment through a surface barrier.

## EXHIBIT C-3

### TWO-FOOT SOIL CAP

The remedial action installed on the right-of-way of portions of West 1<sup>st</sup> Street includes engineering controls consisting of two-foot soil cap.

#### A. GENERAL DESCRIPTION OF THE TWO-FOOT SOIL CAP:

##### 1. Description of the engineering control:

The two-foot thick soil cap installed where concentrations of hexavalent chromium and CCPW related metals (antimony, thallium, nickel, and vanadium) exceed the NJDEP CrSCC or the RDCSRS. Trace CCPW nodules may be present anywhere within the fill layer above the native material and within the horizontal limits of the restricted area. Soil with trace CCPW nodules may be impacted above remedial standards. The area covered by the Two-Foot Thick Soil Cap is depicted on Exhibit B-1. The elevation of the Two-Foot Thick Soil Cap is shown on Exhibit B-1. The Two-Foot Thick Soil Cap consists of a multi-layer cap consisting of the following:

- Vegetated Areas
  - A layer of high-visibility, vibrant orange polypropylene, staple fiber, needle-punched non-woven geotextile printed with "DANGER DO NOT DIG" and "PELIGRO NO EXCAVAR";
  - A layer of clean fill (ASTM #10 screenings), minimum thickness of 18 inches; and
  - A layer of vegetative soil six inches in thickness.
- Soil Cap Overlain by Asphalt Parking Lot
  - A layer of high-visibility, vibrant orange polypropylene, staple fiber, needle-punched non-woven geotextile printed with "DANGER DO NOT DIG" and "PELIGRO NO EXCAVAR"; and
  - A layer of clean fill (ASTM #10 screenings) with a minimum thickness of two feet.
    - Components of asphalt parking lot above the engineering control include
      - Six inch layer of compacted dense aggregate subbase;
      - NJDOT designation I-2 hot mix asphalt stabilizing base, four inches thick; and
      - NJDOT designation I-5 hot mix asphalt surface course, two inches thick
- Soil Cap Overlain by Concrete Sidewalk
  - A layer of high-visibility, vibrant orange polypropylene, staple fiber, needle-punched non-woven geotextile printed with "DANGER DO NOT DIG" and "PELIGRO NO EXCAVAR"; and