



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

401 East State Street

P.O. Box 420, Mail Code 401-06

Trenton, New Jersey 08625-0420

Tel. (609) 292-1250 • Fax (609) 609-777-1914

www.nj.gov/dep

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

SHAWN M. LATOURETTE

Commissioner

June 23, 2022

PPG Industries, Inc.
Ms. Jody Overmyer
Senior Remediation Project Manager, Environmental Affairs
One PPG Place
Pittsburgh, PA 15222

Via email

Approval

Re: **Consent Judgment Compliance Letter**

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

Scope of Remediation: **Areas of Concern for Chromate Chemical Production Waste (CCPW) and CCPW-Related Metals within a portion of the Forrest Street Properties (formerly known as the Skyways property) Soil (AOC FSP-1A and AOC FSP-1B)¹**

Forrest Street Properties, PPG Garfield Avenue Group

Hudson County Chromate Sites

A portion of Block 21501 Lot 14.01, formerly designated as Block 21501 Lot 15

Jersey City, Hudson County, NJ

SRP PI# 775706, Activity Number RAP220001

Dear Ms. Overmyer:

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 (as defined herein), including the *Remedial Investigation Report – Soil (RIR)* dated February 2012, the *Supplemental Soil Remedial Investigation Report – Soil (SSRIR)* dated August 2018, the *Remedial Action Work Plan (RAWP)* dated September 2018, *Forrest Street and Forrest Street Properties Remedial Action Work Plan (RAWP Revision 1)* dated November 2019 and the *Remedial Action Report (RAR)* dated August 2019, associated documents regarding remediation of chromate chemical production waste (CCPW) and CCPW-related metals in soil within a portion of the Forrest Street Properties (formerly known as the Skyways property),

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 the Forrest Street Properties except soil AOC FSP-2A and AOC FSP-2B (Soil Impacted by Manufactured Gas Plant [MGP] –Constituents Emanating from HCC Site 114). A separate Consent Judgment compliance letter will be issued for soil AOC FSP-2A and AOC FSP-2B when appropriate. It is anticipated that a Response Action Outcome (RAO) will be issued by the LSRP employed by PSE&G for soil AOC FSP-2A and AOC FSP-2B. Once the RAO is issued, the Department would be able to issue a separate letter for soil AOC FSP-2A and AOC FSP-2B that references the RAO to document completion of the remedy.

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 soil Area of Concern (AOC) FSP-1A and AOC FSP-1B within a portion of the Forrest Street Properties (formerly known as the Skyways property) depicted on the attached figure (Figure 1-2 of the RAR).

Based on the information provided, the Department concludes that the remediation of CCPW and CCPW-related metals in soil in AOC FSP-1A and AOC FSP-1B 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 the CCPW and CCPW-related metals in soil in AOC FSP-1A and AOC FSP-1B 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 FSP-1A and AOC FSP-1B 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 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 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.

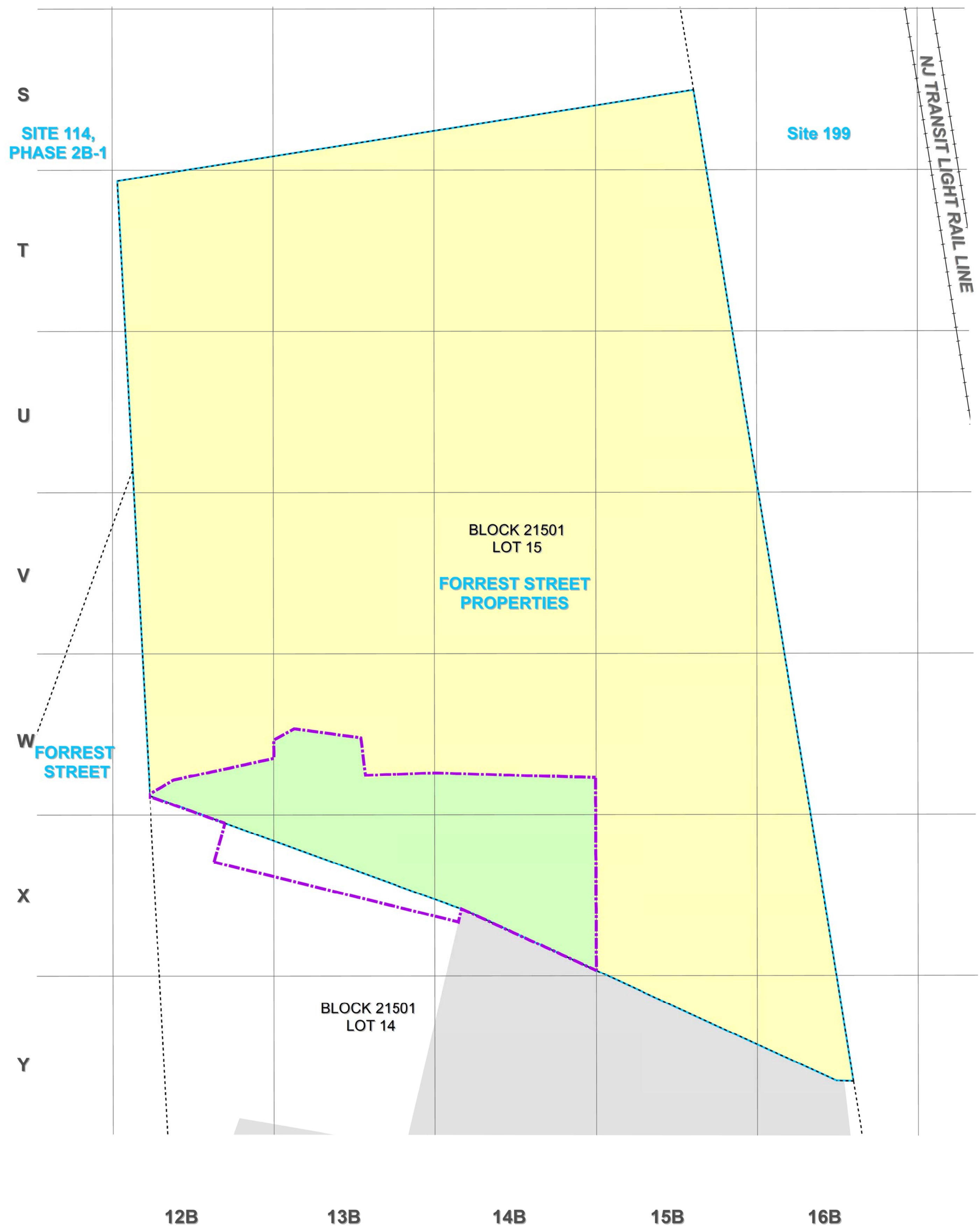
Sincerely,

A handwritten signature in black ink, appearing to read "Wayne C. Howitz". The signature is fluid and cursive, with a large, sweeping flourish at the end.

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
Ian Curtis, NJDEP Case Manager
Kirstin Pointin-Hahn, NJDEP BCAIN
Ronald J. Riccio, Site Administrator
James D. Ray, MDM&C LLP
Peter Baker, Law Department, City of Jersey City

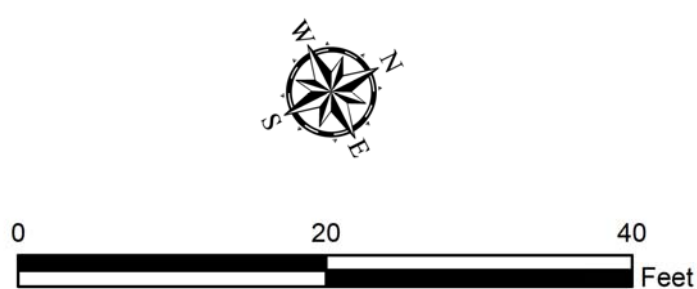
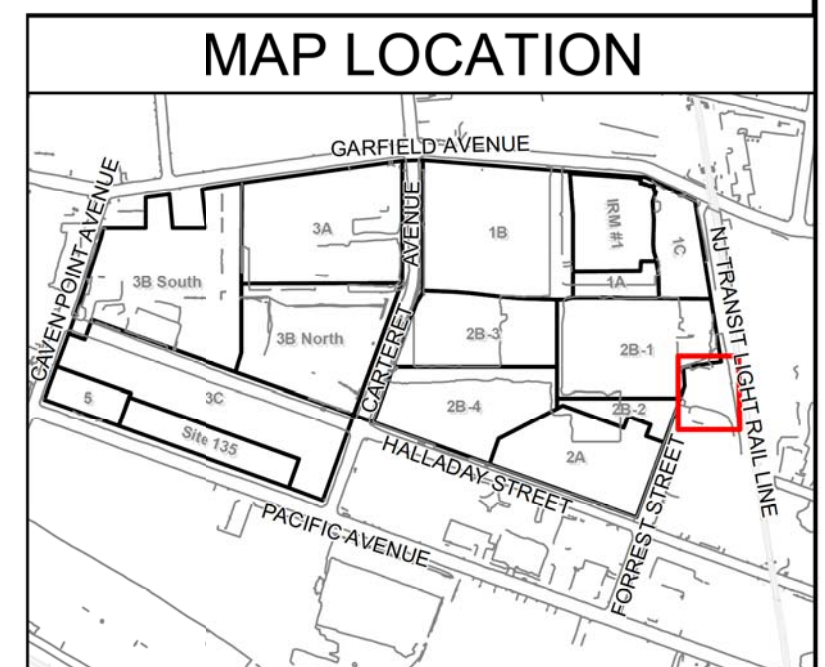




- LEGEND**
- SITE BOUNDARY
 - GRID LAYOUT
 - BUILDING
 - PROPERTY LINE
 - RAILROAD
 - 100 FORREST STREET OFFSET EXTENT
 - AOC FSP-1A and AOC FSP-2A (LOT 15 EXCAVATION AREA)
 - AOC FSP-1B and AOC FSP-2B (LOT 15 ENGINEERING CONTROLS AREA)

ABBREVIATIONS:
 AOC - area of concern
 NJ - New Jersey

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 and pre-construction topographical contours are sourced from the "Boundary and Topographic Survey, PPG Industries Site 114, Lots 11, 12, 14 and 15, Block 21501, City of Jersey City, Hudson County, New Jersey" prepared by Borbas Surveying and Mapping, LLC, dated January 8, 2019.



PPG
 FORREST STREET PROPERTIES (BLOCK 21501, LOT 15)
 GARFIELD AVENUE GROUP
 JERSEY CITY, NEW JERSEY

Date: 1/15/2019

SITE PLAN FOR
 FORREST STREET PROPERTIES
 BLOCK 21501, LOT 15

FIGURE 1-2