



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Bureau of Case Management  
Mail Code 401-05F  
P.O. Box 420  
Trenton, New Jersey 08625-0420  
Telephone: 609-633-1455

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

January 30, 2018

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

### Approval

Re: **Consent Judgment Compliance Letter**

Remedial Action Type: **Unrestricted**

Scope of Remediation: Area of Concern for Chromate Chemical Processing Waste (CCPW) and CCPW-Related Metals Only in Soil;

Former Baldwin Oil Facility; Hudson County Chromate Site 63;

1 Burma Road

Block 21503 Lot 11, and portions of NJTA Parcels R28DD and 28N

Jersey City, Hudson County, NJ

SRP PI# G000008691

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 [RIR]* dated April 2013; *Remedial Action Work Plan [RAWP]* dated August 2013; *Remedial Action Report [RAR]* dated June 2017, associated documents regarding remediation of chromate chemical production waste (CCPW) and CCPW-related metals (defined as hexavalent chromium, antimony, chromium, nickel, thallium, and vanadium) in soil at HCC Site 63, 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 CCPW and CCPW-related metals in soil at the referenced blocks and lots within the limits of excavation as depicted on the attached figures (*Supplemental Soil Investigation* dated 6/12/17 included as Figure 3E in the RAR, and *Post-Excavation As-Built Survey for Entact LLC; PPG Industries Soil Remediation Sites 063 and 063* dated March 9, 2017 and *Exhibit of Trench Excavation, Nissan 12 (HUD-60)* dated 8-13-13, both of which are included as Attachment 8 of the RAR).

Based on the information provided, the Department concludes that the remediation of the CCPW and CCPW-related metals in soil is protective of public health, safety and the environment. The

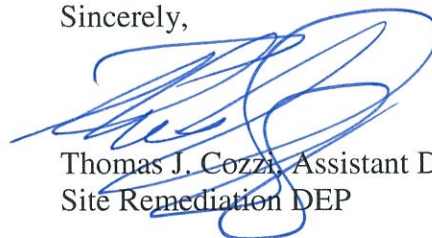
Department further concludes that the remediation of the CCPW and CCPW-related metals in soil satisfies the requirements of the Consent Judgment in *New Jersey Department of Environmental Protection, et al. v. Honeywell International Inc., et al.* Docket No C-77-05, Superior Court of New Jersey Chancery 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. 7L26C. As a result, the Department has determined that the remediation of the CCPW and CCPW-related metals 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. 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 NJDEP.

If you have any questions regarding this matter, please contact me at (609) 984-2905.

Sincerely,



Thomas J. Cozzi, Assistant Director  
Site Remediation DEP

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