



## State of New Jersey

Department of Environmental Protection  
SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM  
Division of Remediation Management  
Remediation Oversight Element  
Mail Code 401-05A  
P.O. Box 420  
Trenton, NJ 08625  
Tel: 609-984-1351  
Fax: 609-984-6514

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

CATHERINE R. MCCABE  
*Commissioner*

April 6, 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: **Restricted Use – Soil**

**Unrestricted Use – Groundwater <sup>1</sup>**

Scope of Remediation: **Entire Site – Chromate Chemical Production Waste (CCPW)  
and CCPW-Related Metals**

Hudson County Chromate (HCC) Site 65 - Burma Road and Morris Pesin Drive  
Jersey City, Hudson County, NJ  
SRP PI# G000008693 Activity #RPC900001

Dear Mr. Terril:

The New Jersey Department of Environmental Protection (Department) has reviewed the site soil and groundwater remediation documents submitted by PPG Industries, Inc. (PPG) pursuant to Paragraph 23.E of the 2011 Consent Judgment (as defined herein), including the *Remedial Investigation Report* (RIR) dated April 2013, the *Remedial Action Report* (RAR) dated May 21, 2019, associated documents regarding remediation of chromate chemical production waste (CCPW) and CCPW-related metals in soil and groundwater at HCC Site 65, information in the Department's case file, and the certified representations and information provided to the Department.

The boundaries of HCC Site 65, which are depicted on the attached figure (Figure 1 of the RAR), were agreed upon among the Department, PPG, the City of Jersey City and the Jersey City Municipal Utilities Authority pursuant to a Settlement Agreement dated as of January 9, 2018 (the "Site 65 Settlement Agreement").

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<sup>1</sup> As stated in Paragraph 6 of the Site 65 Settlement Agreement "Groundwater that exceeds the NJDEP Groundwater Quality Standards, N.J.A.C. 7:9C, for total chromium within Site 65, the Supplemental Remediation Area, the Released Area (as defined in Section 7 herein) or another location adjacent to Site 63, shall remain PPG's responsibility under the JCO as emanating from Site 63." The Supplemental Remediation Area and Released Area are depicted in Figure 1, attached.

Based on the information provided, the Department concludes that the remediation of CCPW and CCPW-related metals in soil and groundwater at HCC Site 65 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 (the “2011 Consent Judgment”), the Partial Consent Judgment Concerning the PPG Sites, filed June 26, 2009, 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, the Administrative Requirements for Remediation of Contaminated Sites at N.J.A.C. 7:26C and the Site 65 Settlement Agreement. As a result, the Department has determined that the remediation of the CCPW and CCPW-related metals in soil and groundwater at Site 65 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 and groundwater at HCC Site 65 as shown on the attached Figure 1 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 Remedial Action Permits for soil, monitoring well installation permits for any new monitoring wells, and well decommissioning notices 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

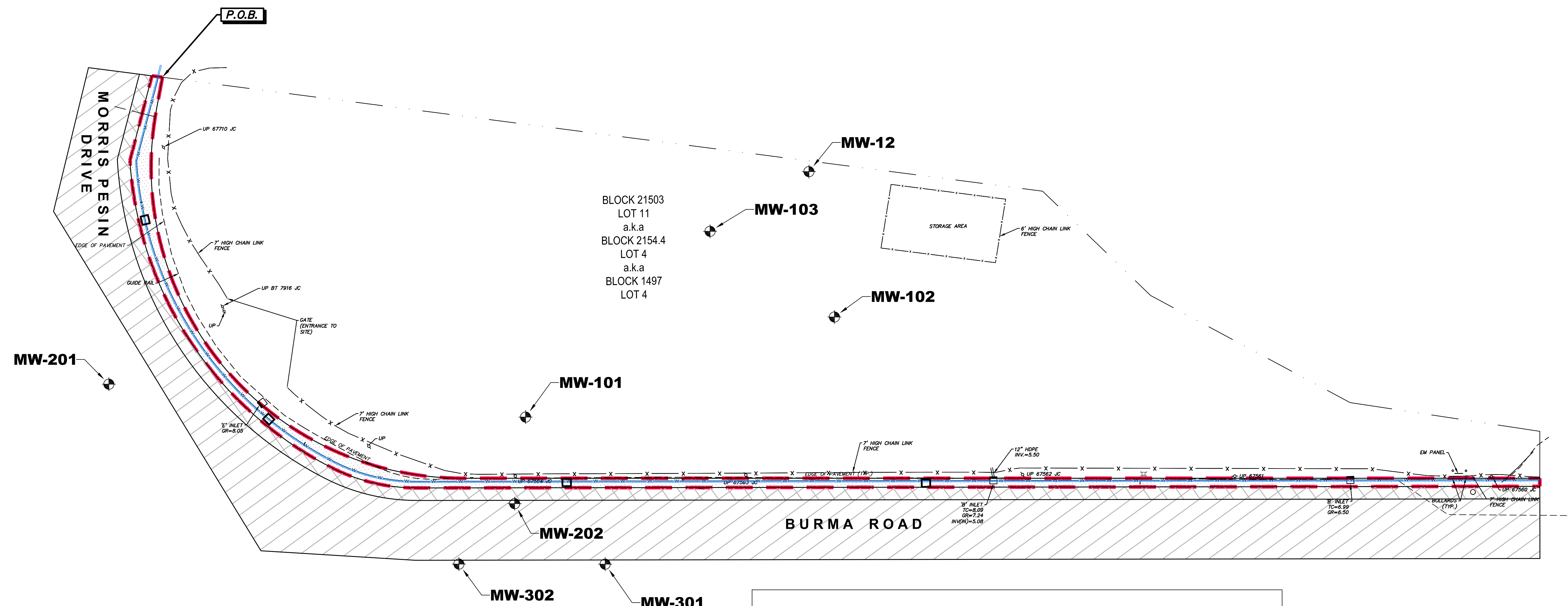
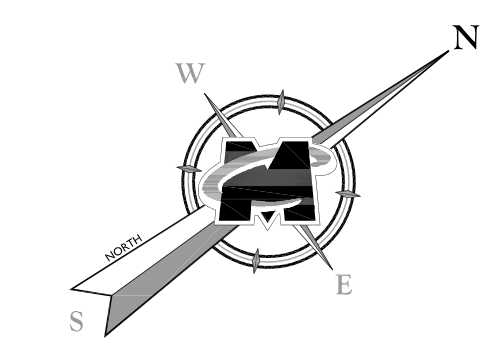
cc: Jersey City Department of Health & Human Services  
Municipal Clerk, City of Jersey City  
Hudson Regional Health Commission  
David Doyle, NJDEP Case Manager  
Kirstin Pointin-Hahn, NJDEP BCAIN



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Ronald J. Riccio, Site Administrator  
James D. Ray, MDM&C LLP  
J. Nicholas Strasser, Law Department, City of Jersey City

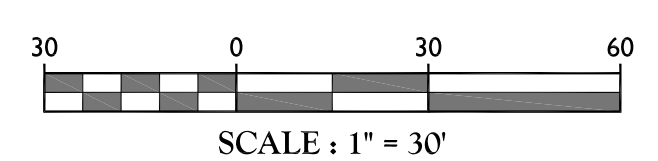




BLOCK 21503  
LOT 11  
a.k.a  
BLOCK 2154.4  
LOT 4  
a.k.a  
BLOCK 1497  
LOT 4

**LEGEND**

	SITE 65 BOUNDARY		SUPPLEMENTAL REMEDIATION AREA
	16" Ø WATER LINE		RELEASED AREA
	CHAIN-LINK FENCE		CATCH BASIN
	EDGE OF PAVEMENT		EXISTING MONITORING WELL (ALL WELLS SHOWN ARE ASSOCIATED WITH HCC SITE 63 PI No. G000008791)
	UTILITY POLE		MARK OUT APPROXIMATE LOCATION
	HYDRANT		



REFERENCE:  
1. "BURMA ROAD EXHIBIT" DRAWING NO. 14000664C BY MASER CONSULTING, PA. LAST REVISED ON DECEMBER 19, 2017.

- NOTES:
- 1) LOCATION OF UNDERGROUND WATER PIPE BASED ON SUBSURFACE UTILITY ENGINEERING MARKOUTS PERFORMED ON 11-7-17 BY MASER CONSULTING, P.A. AND FIELD MEASUREMENTS PROVIDED BY APTIM ENVIRONMENTAL & INFRASTRUCTURE ON 11-21-17.
  - 2) THE SOUTHERLY AND SOUTHEASTERLY BOUNDARY OF "SITE 65" IS 3' FROM THE EDGE OF THE WATER PIPE (3'-8" FROM THE CENTER).
  - 3) MASER CONSULTING DID NOT PERFORM A BOUNDARY SURVEY. LOT 11 BOUNDARY IS BASED ON A SURVEY ENTITLED "BOUNDARY SURVEY OF LOT 11, BLOCK 21503, TAX MAP OF THE CITY OF JERSEY CITY, HUDSON COUNTY, STATE OF NEW JERSEY" PREPARED BY FARALDI GROUP, INC., DATED MAY 3, 2013.
  - 4) THE SOUTHERLY AND SOUTHEASTERLY BOUNDARY OF "RELEASED AREA" PROVIDED BY APTIM ENVIRONMENTAL & INFRASTRUCTURE.
  - 5) THE GROUNDWATER ELEVATION USED FOR THE EVALUATION OF THE IMPACT TO GROUND WATER (IGW) EXPOSURE PATHWAY IS 5.2 FEET NAVD88.
  - 6) HORIZONTAL DATUM NAD 1983, VERTICAL DATUM NAVD88.
  - 7) P.O.B.—POINT OF BEGINNING.

<p>APTIM Environmental &amp; Infrastructure, LLC 200 Horizon Center Trenton, New Jersey 08691</p>		DESIGNED BY:		PPG HUDSON COUNTY, NEW JERSEY	
		DRAWN BY:		A.Y.	
CHECKED BY:		C. Leavey		FIGURE 1 SITE 65 BOUNDARY JERSEY CITY RIGHT-OF-WAY BURMA ROAD AND MORRIS PESIN DRIVE JERSEY CITY, NEW JERSEY	
APPROVED BY:	C. Leavey	DATE:	2/26/19	SCALE:	AS SHOWN
DRAWING NO.			151136-D28		FIGURE NO.
					1

File: K:\Projects\151136-D28\Drawings\151136-D28.dwg  
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