

## **Appendix D**

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

Return Address:  
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K&L Gates LLP  
One Newark Center, Tenth Floor  
Newark, NJ 07102-5285

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

\_\_\_\_\_  
[Print name below signature]

This Notice in Lieu of Deed Notice is made as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the City of Jersey City, New Jersey, 280 Grove Street, Jersey City, New Jersey 07302 (“Owner”).

1. THE PROPERTY. The City of Jersey City is the owner in fee simple of certain real property designated as Caven Point Avenue and Pacific Avenue. This Notice in Lieu of Deed Notice is for the portion of Caven Point Avenue between Garfield Avenue and Pacific Avenue and the portion of Pacific Avenue between Caven Point Avenue and Carteret Avenue on the tax map of the City of Jersey City, Hudson County (the “Property”). The New Jersey Department of Environmental Protection (“NJDEP”) Program Interest Number (“Preferred ID”) for the contaminated site, part of which includes the Property, is G000005480. The Property is more particularly described in Exhibit A, which is attached hereto and made a part hereof.

2. REMEDIATION.

i. NJDEP has approved this Notice in Lieu of Deed Notice as an institutional control for the Property, which is part of the remediation of the Property. The Property is subject to a Partial Consent Judgment Concerning PPG Sites entered into by NJDEP, the Owner and PPG and approved by the Superior Court of New Jersey on June 26, 2019 (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 remediation of all hazardous substances having emanated from Hudson County Chromate (HCC) Site 114 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 is responsible for remediation of the Property to address Chromate Chemical Production Waste (“CCPW”). 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 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 that includes the Property, and in consideration of the terms and conditions of that remedial action, and other good and valuable consideration, the 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 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 for referral by government officials and other interested parties. The list of restrictions is available for review at the Jersey City Division of Engineering, Traffic and Transportation office or the Jersey City Municipal Utilities Authority (“JCMUA”) office.

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.

5D. **UTILITY WORK COORDINATION MANUAL.** A Utility Work Coordination Manual has been prepared for use by the owner, lessee, and/or operators for the protection of workers who may be potentially exposed to chromium-impacted soils or groundwater in conjunction with utility or other ground intrusive work on the Property; the Utility Work Coordination Manual

identifies health and safety requirements for the protection of personnel and contractors who may perform ground intrusive activities (e.g., digging, drilling, excavation) that may disturb existing engineering controls and informs workers of potential hazards associated with chromium-impacted media. Owner shall make the Utility Work Coordination Manual available to operators, tenants, contractors, and/or utility workers intending to conduct invasive work within the Restricted Areas to prevent unauthorized disturbance of engineering controls and potential exposure to contaminants. The Jersey City Division of Engineering, Traffic and Transportation, JCMUA, and/or PPG will make the Utility Work Coordination Manual available to owners/operators, tenants, contractors, and/or utility workers in the event that the JCMUA and/or PPG are notified of invasive work by owners/operators, tenants, contractors and/or utility workers. The PPG Utility Work Coordination Manual that addresses the identification, notification, and coordination of work between PPG and the JCMUA related to the utilities located within the restricted area is attached to this Notice in Lieu of Deed Notice.

#### 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 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 NJDEP on a form provided by NJDEP and available at [www.nj.gov/srp/forms](http://www.nj.gov/srp/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 [www.nj.gov/srp/forms](http://www.nj.gov/srp/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 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. 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 a Notice in Lieu of Deed Notice Form; and

(C) A revised recorded Notice in Lieu of 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 Notice in Lieu of 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, and the notice the Owner gave to those persons prior to the disturbance.

7B. EMERGENCIES. In the event of an emergency that 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 NJDEP 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 NJDEP 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 NJDEP within 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) any 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 DEED NOTICE.

i. This Notice in Lieu of Deed Notice may be terminated only upon recording a NJDEP-approved Termination of a 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 Deed Notice.

ii. Within 30 calendar days after recording a NJDEP-approved Termination of a Notice in Lieu of Deed Notice, the owner of the property should apply to NJDEP 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 NJDEP, 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 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 NJDEP.

#### 10. ENFORCEMENT OF VIOLATIONS.

i. This Notice in Lieu of Deed Notice itself is not intended to create any interest in real estate in favor of NJDEP, 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 NJDEP against any person who violates this Notice in Lieu of Deed Notice. To enforce violations of this Notice in Lieu of Deed Notice, NJDEP 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 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 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 wells 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 and distances from nearby intersections;

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

(A) Description and estimated size in square feet 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: Restricted Area Engineering Control – Existing Asphalt Cap: Exhibit C-2 includes a narrative description of the Existing Asphalt Cap 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.

[If Owner is a corporation]

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\_\_\_, [Name of person executing document on behalf of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the [secretary/assistant secretary] of [Owner], 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 [president/vice president] 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]

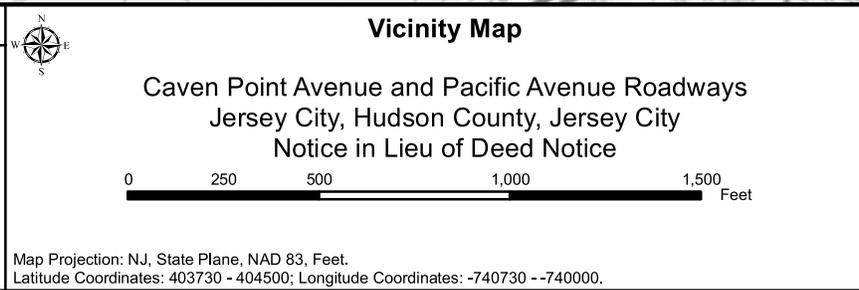
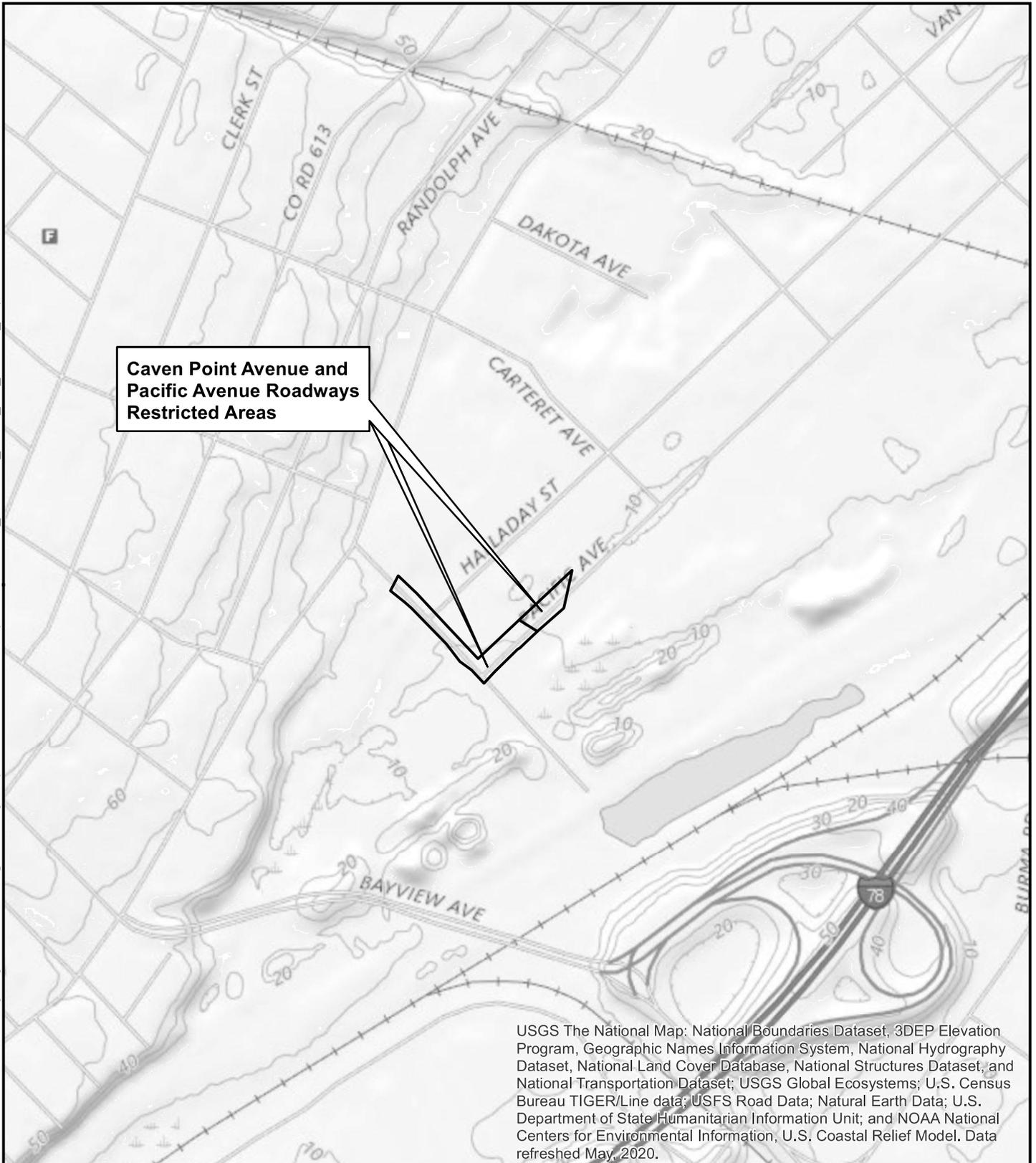
Signed and sworn before me on \_\_\_\_\_, 20\_\_

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

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

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**AECOM**

Exhibit A-1

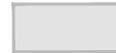
Date: June 2020

Project #: 60616701

**EXHIBIT A-2 Metes & Bounds Description**

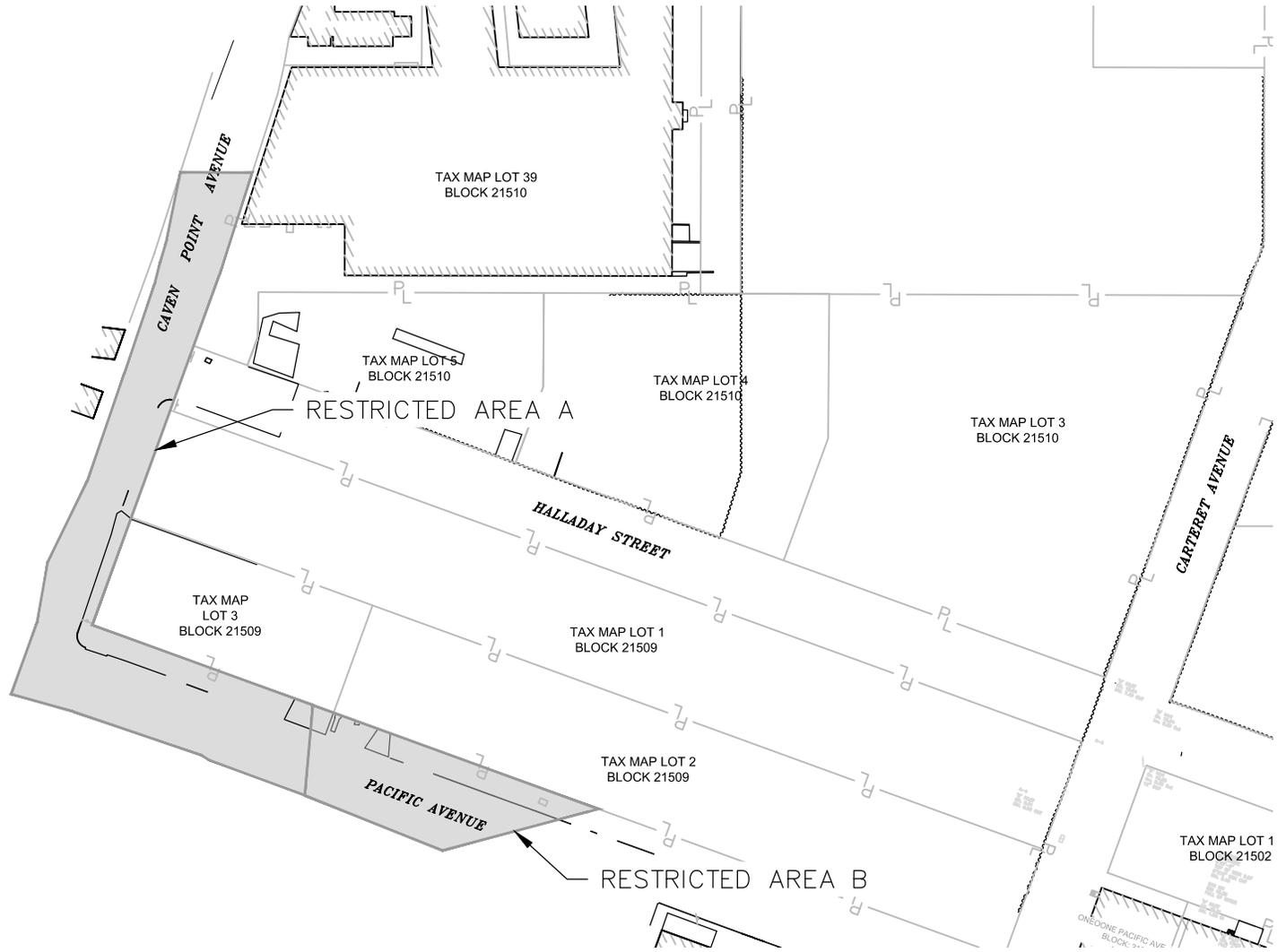
*To be provided as part of the Final Notice in Lieu of Deed Notice*

**LEGEND**

-  PROPERTY LINE
-  EDGE OF CONCRETE
-  EXISTING SHEET PILE
-  CURB
-  EXISTING BUILDING
-  PROPERTY LIMITS  
SUBJECT TO NOTICE IN  
LIEU OF DEED NOTICE

**NOTES:**

- NAD83 - NORTH AMERICAN DATUM OF 1983
- PI - PROGRAM INTEREST
- TBD - TO BE DETERMINED
- PROPERTY BOUNDARIES ARE SOURCED FROM: TBD.



**DRAFT**

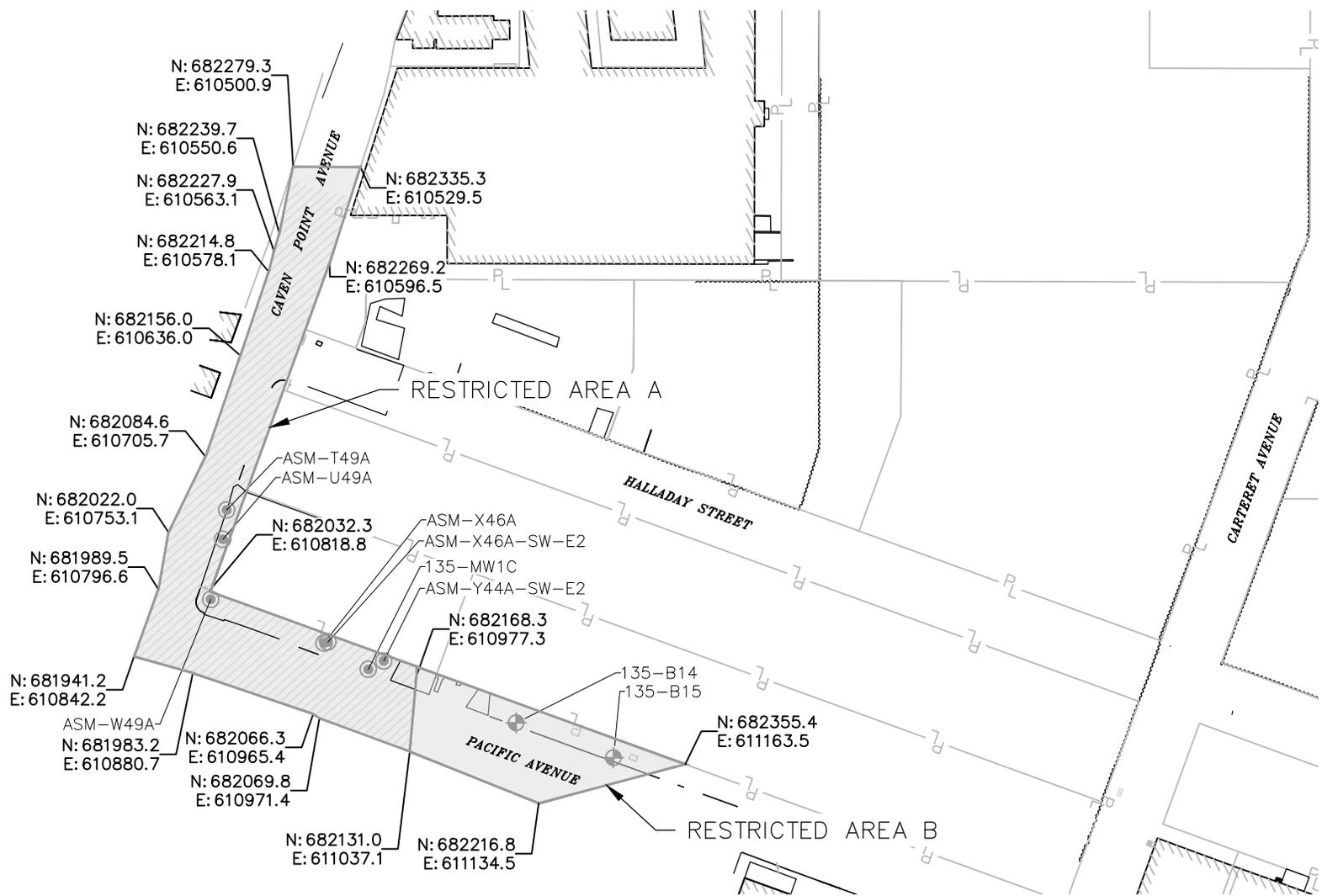
CAVEN POINT AVE. AND PACIFIC AVE. PI NUMBER G000005480 JERSEY CITY, HUDSON COUNTY, NEW JERSEY		<b>PROPERTY MAP</b> <b>NOTICE IN LIEU OF DEED NOTICE</b>
DATE: 06/11/2020	DRWN: ALC	<b>EXHIBIT A-3</b>

**LEGEND**

- Cr<sup>6</sup> CONC. IN SAMPLE AT LOCATION EXCEEDS THE CRSCC
- Sb CONC. IN SAMPLE AT LOCATION EXCEEDS THE RDCSRS, BUT IS LESS THAN THE NRDCSRS
- PROPERTY LINE
- EDGE OF CONCRETE
- EXISTING SHEET PILE
- CURB
- EXISTING BUILDING
- RESTRICTED AREA
- EXISTING ASPHALT CAP

**NOTES:**

- Cr<sup>6</sup> - HEXAVALENT CHROMIUM
  - CRSCC - CHROMIUM SOIL CLEANUP CRITERIA
  - CONC. - CONCENTRATION(S)
  - FT - FEET OR FOOT
  - MG/KG - MILLIGRAMS PER KILOGRAM
  - NAD83 - NORTH AMERICAN DATUM OF 1983
  - NJDEP - NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
  - NRDCSRS - NJDEP NON-RESIDENTIAL DIRECT CONTACT SOIL REMEDIATION STANDARD
  - PI - PROGRAM INTEREST
  - RDCSRS - NJDEP RESIDENTIAL DIRECT CONTACT SOIL REMEDIATION STANDARD
  - Sb - ANTIMONY
  - TBD - TO BE DETERMINED
1. Cr<sup>6</sup>/SCC FOR Cr<sup>6</sup> = 20 MG/KG
  2. NRDCSRS FOR Sb = 450 MG/KG
  3. RDCSRS FOR Sb = 31 MG/KG
  4. THE PROPERTIES REFERENCED IN THIS NOTICE IN LIEU OF DEED NOTICE ARE CAVEN POINT AVENUE AND PACIFIC AVENUE.
  5. PROPERTY BOUNDARIES ARE SOURCED FROM: TBD.

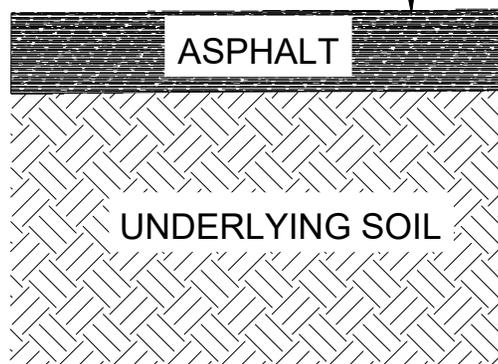


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CAVEN POINT AVE. AND PACIFIC AVE. PI NUMBER G000005480 JERSEY CITY, HUDSON COUNTY, NEW JERSEY		<b>RESTRICTED AREA MAP</b>
DATE: 06/12/2020	DRWN: ALC	<b>EXHIBIT B-1A</b>

CAVEN POINT AVENUE AND PACIFIC AVENUE EXISTING ASPHALT CAP  
(MIN. THICKNESS: 4")



1 CAVEN POINT AVENUE AND PACIFIC AVENUE EXISITNG ASPHALT CAP  
NTS

NOTES:

MIN MINIMUM  
NTS NOT TO SCALE  
PI PROGRAM INTEREST

MINIMUM THICKNESS OF 4" FOR THE ASPHALT CAP IS BASED ON THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION *PRESUMPTIVE AND ALTERNATIVE REMEDY TECHNICAL GUIDANCE, VERSION 2.1, DATED FEBRUARY 2018.*

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CAVEN POINT AVE. AND PACIFIC AVE. PI NUMBER G000005480 JERSEY CITY, HUDSON COUNTY, NEW JERSEY		RESTRICTED AREA MAP ENGINEERING CONTROL AS-BUILT TYPICAL SECTION
DATE: 06/11/2020	DRWN: SAP	EXHIBIT B-1B

**Exhibit B-2A**  
**Restricted Area Data Table - Analytical Results Summary - Hexavalent Chromium**  
**Caven Point Avenue and Pacific Avenue Roadways**  
**Jersey City, Hudson County, New Jersey**

							Analyte CAS RN Units CrSCC	CHROMIUM (HEXAVALENT) 18540-29-9 mg/kg 20	
Location ID	Sample ID	Depth Interval (ft bgs)	Location Elevation (NAVD88)	Sample Start Elevation (NAVD88)	Sample End Elevation (NAVD88)	Collection Date	Result	Qualifier	
ASM-T49A	ASM-T49A-4.0-4.5	4.0 - 4.5	9.9	5.9	5.4	08/15/2016	<b>32.9</b>		
ASM-U49A	ASM-U49A-4.0-4.5	4.0 - 4.5	10.6	6.6	6.1	08/15/2016	<b>21.1</b>		
ASM-W49A	ASM-W49A-11.0-11.5	11.0 - 11.5	10.0	-1.0	-1.5	08/15/2016	<b>26.8</b>	<b>J</b>	
ASM-X46A	ASM-X46A-4.0-4.5	4.0 - 4.5	10.4	6.4	5.9	08/18/2016	<b>153</b>	<b>J</b>	
ASM-X46A-SW-E2	ASM-X46A-SW-E-8.2-8.7	8.2 - 8.7	14.2	6.0	5.5	12/27/2017	<b>162</b>	<b>RA</b>	
ASM-Y44A-SW-E2	ASM-Y44A-SW-E-3.7-4.2	3.7 - 4.2	10.2	6.5	6.0	12/20/2017	<b>31.8</b>	<b>RA</b>	
135-MW1C	PPG 1351CB(1.8-2.3) DUPJ49116-15	1.8 - 2.3	9.9	8.1	7.6	12/13/2006	<b>20.1</b>	<b>J</b>	

**ABBREVIATIONS:**

bgs - below ground surface  
CAS-RN - Chemical Abstracts Service Registry Number  
CrSCC - Chromium Soil Cleanup Criteria  
ft - feet or foot  
mg/kg - milligrams per kilogram  
NAVD88 - North American Vertical Datum of 1988

**QUALIFIERS:**

J - Indicates the result was an estimated value; the associated numerical value was an approximate concentration of the analyte in the sample.  
RA - Indicates that the result for this analyte has been rejected, but is useable.

**GENERAL NOTE:**

Bold results indicates exceedance of the CrSCC

**Exhibit B-2B**  
**Analytical Results Summary - Antimony**  
**Caven Point Avenue and Pacific Avenue Roadways**  
**Jersey City, Hudson County, New Jersey**

							Analyte	ANTIMONY	
							CAS RN	7440-36-0	
							Units	mg/kg	
							RDCSRS	31	
							RDCSRS-GAG	NA	
							NRDCSRS	450	
Location ID	Sample ID	Depth Interval (ft bgs)	Location Elevation (NAVD88)	Sample Start Elevation (NAVD88)	Sample End Elevation (NAVD88)	Collection Date	Result	Qualifier	
135-B14	135-B14B(2.9-3.4)J48979-4	2.9 - 3.4	10.5	7.6	7.1	12/12/2006	<b>44.3</b>	J	
135-B15	135-B15A(0.6-1.1)J48979-18	0.6 - 1.1	10.9	10.3	9.8	12/12/2006	<b>50.3</b>	J	

**ABBREVIATIONS:**

bgs - below ground surface  
CAS-RN - Chemical Abstracts Service Registry Number  
ft - feet or foot  
mg/kg - milligrams per kilogram  
NA - not applicable  
NAVD88 - North American Vertical Datum of 1988  
NJDEP - New Jersey Department of Environmental Protection  
NRDCSRS - NJDEP Non-Residential Direct Contact Soil Remediation Standard  
RDCSRS - NJDEP Residential Direct Contact Soil Remediation Standard  
RDCSRS-GAG Residential Direct Contact Soil Remediation Standard - Garfield Avenue Group

**QUALIFIER:**

J - Indicates the result was an estimated value; the associated numerical value was an approximate concentration of the analyte in the sample.

**GENERAL NOTE:**

Bold results indicates exceedance of the RDCSRS

## EXHIBIT C

Narrative descriptions of the institutional and engineering controls

### Exhibit C-1: Notice in Lieu of Deed Notice as Institutional Control

#### (A) Description and estimated size of the Restricted Areas:

The Notice in Lieu of Deed Notice is for soil (Soil Restricted Areas), located within the right-of-way of Caven Point Avenue and Pacific Avenue in Jersey City, New Jersey, as depicted on **Exhibit B-1A**.

In the Restricted Area A, the constituent of concern is hexavalent chromium ( $\text{Cr}^{+6}$ ). In the Restricted Area B, the constituent of concern is antimony (Sb). The estimated size of the Soil Restricted Area A is 41,173 square feet ( $\text{ft}^2$ ) (0.95 acres). The estimated size of Restricted Area B is 15,702  $\text{ft}^2$  (0.36 acres).

Note that antimony concentrations remaining in Pacific Avenue include concentrations greater than the Residential Direct Contact Soil Remediation Standard (RDCSRS), but do not exceed the Non-Residential Direct Contact Soil Remediation Standard (NRDCSRS), therefore, antimony is restricted for the current roadway use, but an engineering control is not required.

#### (B) Descriptions of the restrictions on the Property by operation of this Notice in Lieu of Deed Notice:

The restrictions included in this Notice in Lieu of Deed Notice minimize exposure to the constituents of concern identified in **Exhibit C-1(A)**,  $\text{Cr}^{+6}$  at concentrations greater than the Chromium Soil Cleanup Criterion (CrSCC) and Sb at concentrations greater than the RDCSRS in the Soil Restricted Areas of Caven Point Avenue and Pacific Avenue. Through the use of this Notice in Lieu of Deed Notice in Soil Restricted Areas A and B and implementation of engineering controls in Soil Restricted Area A, exposure to humans and the potential impact to the environment are reduced.

#### (C) Objective of the restrictions:

The objective of the restrictions in this Notice in Lieu of Deed Notice is to permit continued use of the Property while reducing the exposure of humans to, and the potential impact to the environment from  $\text{Cr}^{+6}$  at concentrations greater than the CrSCC and Sb at concentrations greater than the RDCSRS.

**Exhibit C-2: Narrative Description of the Restricted Area Engineering Control: Existing Asphalt Cap**

**(A) Description of the engineering control:**

The existing asphalt (minimum thickness of 4 inches) of Caven Point Avenue and Pacific Avenue provides a barrier to underlying soil that may contain Cr<sup>+6</sup> at concentrations greater than the CrSCC (Restricted Area A). The horizontal extent of the Existing Asphalt Cap Engineering Control is depicted on **Exhibit B-1A**. A detail of the Existing Asphalt Cap Engineering Control is shown on **Exhibit B-1B**.

**(B) The objective of the engineering control:**

The objective of the Existing Asphalt Cap Engineering Control is to protect human health and the environment by restricting access and eliminating exposure to underlying soil that may contain Cr<sup>+6</sup> at concentrations greater than the CrSCC (Restricted Area A).

**(C) How the engineering control is intended to function:**

The Existing Asphalt Cap Engineering Control is intended to function as a physical barrier that prevents direct contact with and incidental exposure to the underlying soil that may contain Cr<sup>+6</sup> at concentrations greater than the CrSCC (Restricted Area A).