



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION CONTAMINATED SITE REMEDIATION & REDEVELOPMENT DIVISION OF REMEDIATION MANAGEMENT

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January 25, 2024

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 in Soil within Garfield Avenue Roadway (AOC GAR-1A and AOC 114-1B) Soil¹**

- Portion of Garfield Avenue Roadway including, and northward from, its intersection with Carteret Avenue northward to the NJ Transit Light Rail overpass and Portion of Block 21501 Lot 20.02 within Hudson County Chromate (HCC) Site 114
- PPG Garfield Avenue Group, Hudson County Chromate Sites
- Jersey City, Hudson County, NJ
- SRP PI# G000005480, Activity Number RAP230003

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 Garfield Avenue Group sites programmatic *Remedial Action Work Plan* (RAWP) dated September 2018, the Western Sliver (AOC 114-1A) RAWP Addendum dated July 2018, the Garfield Avenue roadway (AOC GAR-1A) RAWP dated March 2019, the *Remedial Action Report* (RAR) dated December 2022, associated documents regarding remediation of chromate chemical production waste (CCPW) and CCPW-related metals in soil within a portion of Garfield Avenue roadway and a portion of Block 21501 Lot 20.02 within HCC Site 114, information in the Department's case file, and the certified representations and information provided to the Department.

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 HCC Site 114 except soils impacted by Manufactured Gas Plant [MGP] constituents that emanated from Hudson County Chromate Site 114 (HCC Site 114). A separate Consent Judgment compliance letter will be issued for the soil AOCs associated with MGP impacts which emanated from HCC Site 114 when appropriate. It is anticipated that a Response Action Outcome (RAO) will be issued for MGP impacts in soil by the LSRP employed by PSE&G. Once the RAO is issued, the Department would be able to issue a separate letter for the soil AOCs impacted by MGP on these Sites that references the RAO to document completion of the remedy.

The Department concurs with PPG that all remedial actions are complete for soil Area of Concern (AOC) GAR-1A and AOC 114-1B within a portion of Garfield Avenue roadway and a portion of Block 21501 Lot 20.02 within HCC Site 114, respectively, as 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 GAR-1A and AOC 114-1B 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 GAR-1A and AOC 114-1B 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 GAR-1A and AOC 114-1B as shown on the attached Figure 1-2 of the December 2022 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 the soil Remedial Action Permit associated with the Notice in Lieu of Deed Notice for AOC GAR-1A and the Deed Notice for AOC 114-1B, 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, contact me at (609) 292-1251.

Sincerely,



Gwen B. Zervas, P.E., Director
Division of Remediation Management

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



