

Appendix D

Draft Notice in Lieu of Deed Notice

Return Address:
Dorothy Laguzza, Esq., LeClairRyan
One Riverfront Plaza
1037 Raymond Boulevard, Sixteenth Floor
Newark, New Jersey 07102

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 Garfield Avenue. This Notice in Lieu of Deed Notice is for the portion of Garfield Avenue between Carteret Avenue and the Hudson-Bergen Light Rail 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")).

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 on site for inspection by governmental officials.

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. **WORKER TRAINING MANUAL/STANDARD OPERATING PROCEDURE.** A Worker Training Manual has been prepared for use by the owner, lessee, and/or operators for the protection of works who may be potentially exposed to chromium-impacted soils or groundwater in conjunction with utility or other ground intrusive work on the Property. The Worker Training 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 Worker Training Manual available to operators, tenants, contractors, and/or utility workers intending to conduct invasive work within

the Restricted Area to prevent unauthorized disturbance of engineering controls and potential exposure to contaminants. The Jersey City Municipal Utilities Authority (JCMUA) and/or PPG will make the Worker Training 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. PPG has prepared a Standard Operating Procedure (SOP) which addresses the identification, notification, and coordination of work between PPG and the JCMUA related to the utilities located within the restricted area.

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 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, 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 A Engineering Control - Asphalt Cap: Exhibit C-2 includes a narrative description of 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.

(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]

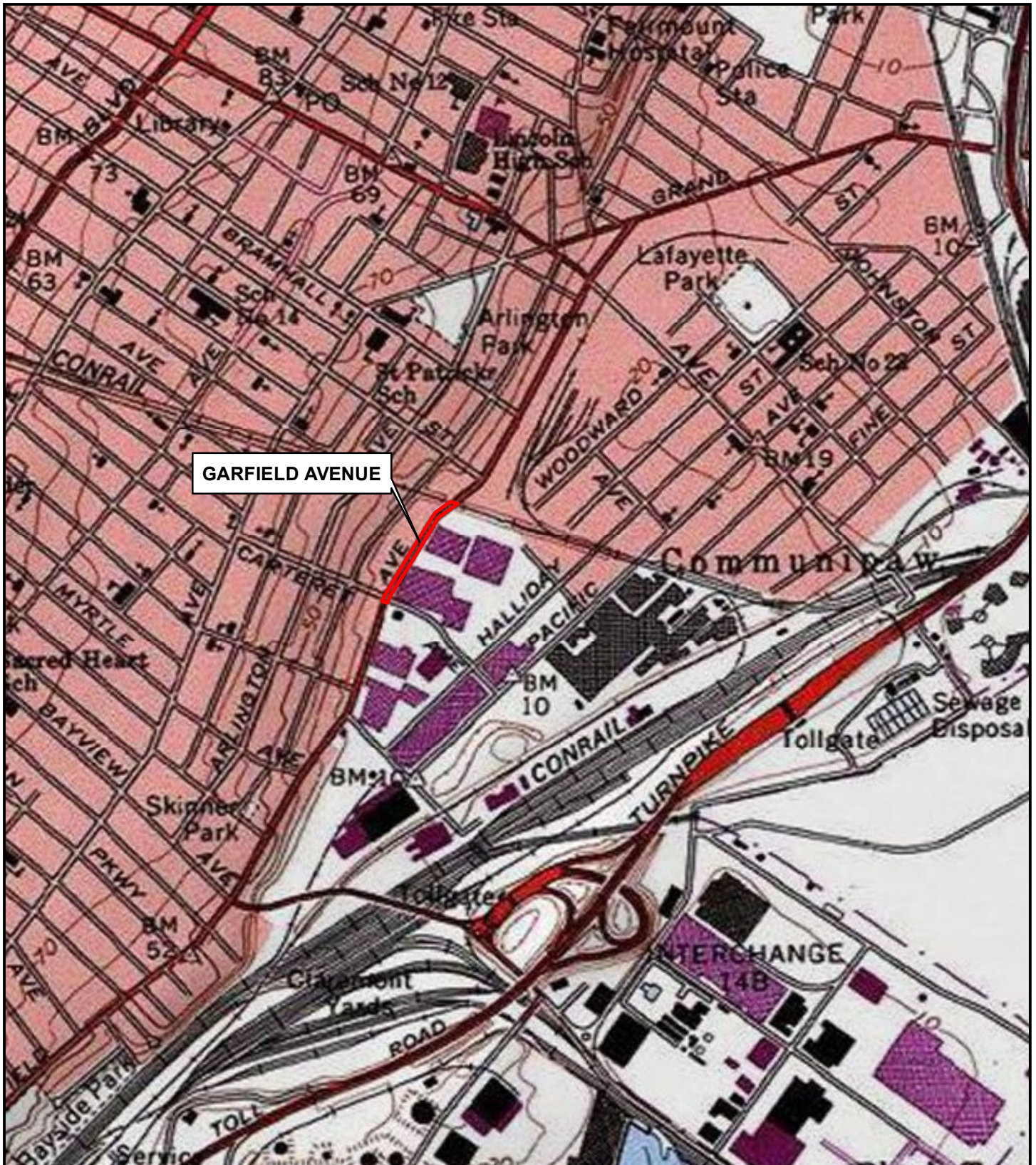
EXHIBIT A

Maps of the Property and Vicinity

Exhibit A-1: Vicinity Map

Exhibit A-2: Metes and Bounds Description

Exhibit A-3: Property Map



Map Location



VICINITY MAP
GARFIELD AVENUE
 JERSEY CITY, HUDSON COUNTY, NEW JERSEY
 NOTICE IN LIEU OF DEED NOTICE

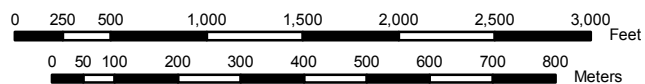


Image Source: USGS Topographic Quadrangle: Jersey City, NJ.

Scale: 1:12,000

AECOM

Exhibit A-1

Date: 06/26/2018

Project #: 60580814

EXHIBIT A-2 Metes & Bounds Description

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

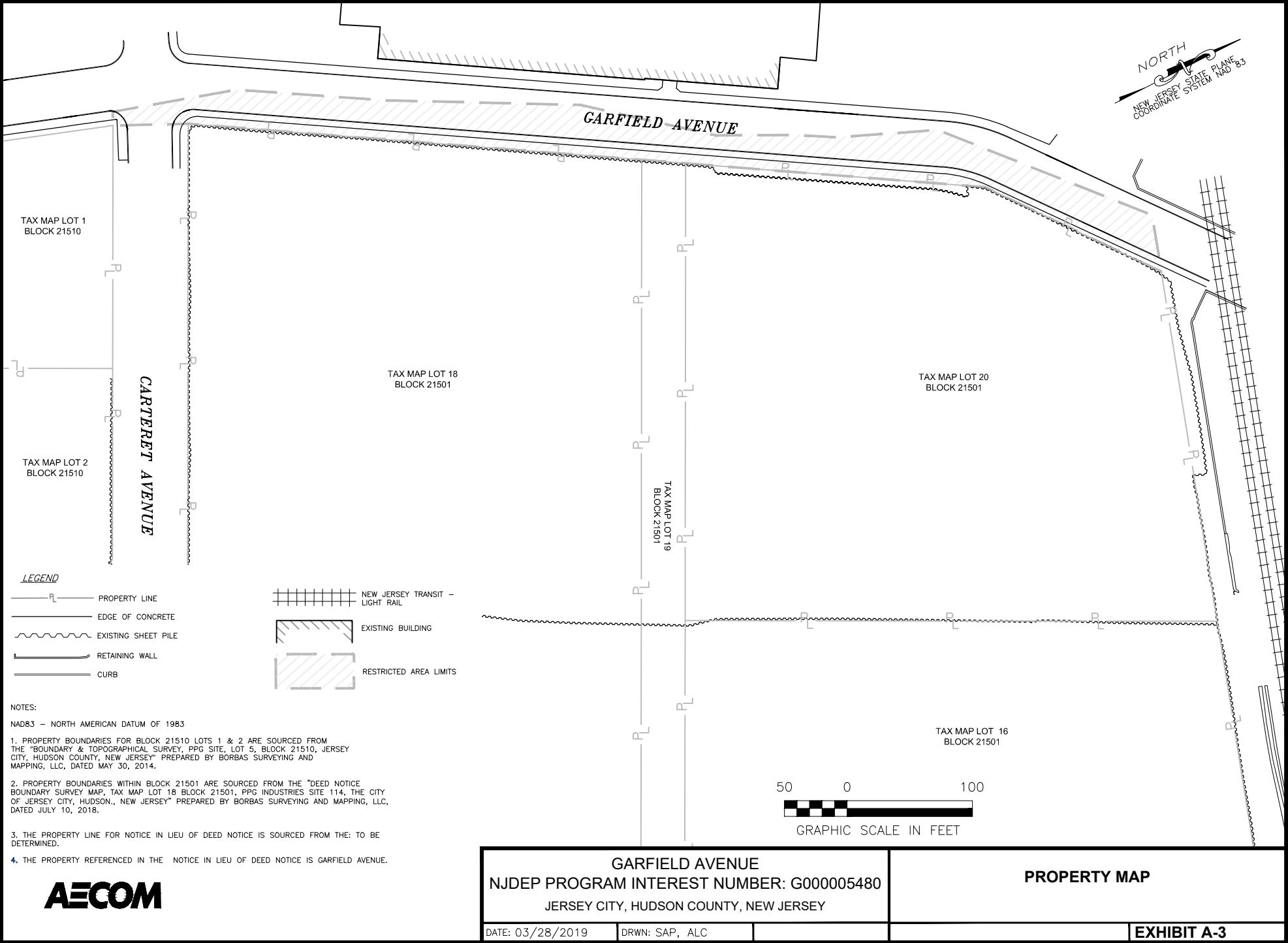


EXHIBIT B

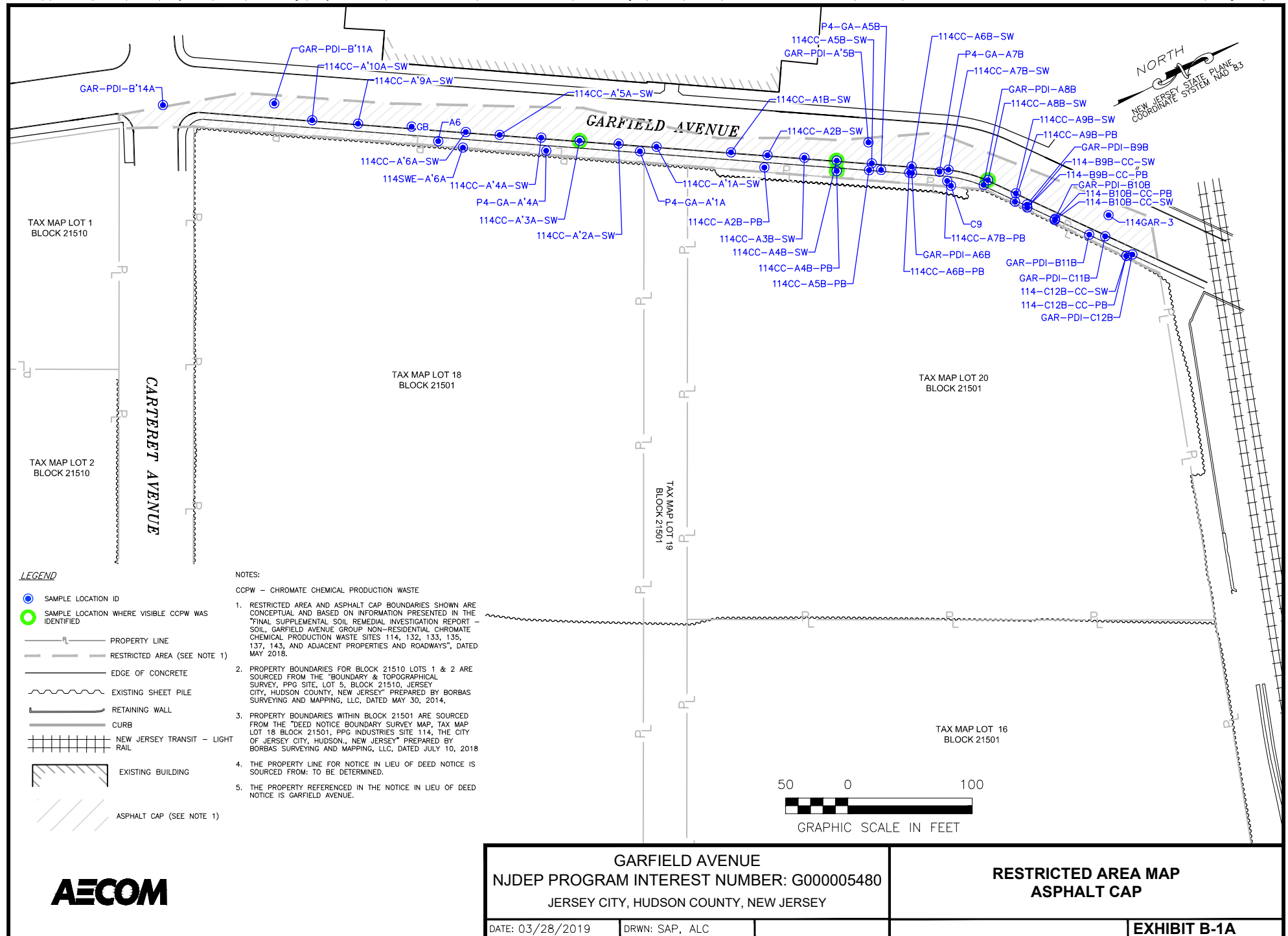
Description of Restricted Area

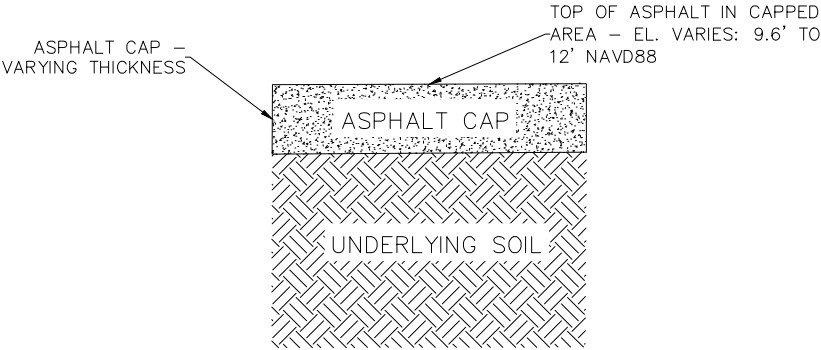
Exhibit B-1A: Restricted Area Map – Asphalt Cap

Exhibit B-1B: Engineering Control – As-Built Typical Section – Asphalt Cap

Exhibit B-1C: CEA Location Map

Exhibit B-2: Restricted Area Data Table – Asphalt Cap





1 ASPHALT CAP
NTS

NOTES:
EL. - ELEVATION
NAVD88 - NORTH AMERICAN VERTICAL DATUM OF 1988
NTS - NOT TO SCALE



GARFIELD AVENUE NJDEP PROGRAM INTEREST NUMBER: G000005480 JERSEY CITY, HUDSON COUNTY, NEW JERSEY			ENGINEERING CONTROL ASPHALT AS-BUILT TYPICAL SECTION ASPHALT CAP	
DATE: 03/28/2019	DRWN: SAP, ALC			EXHIBIT B-1B

I:\Project\PPG\NJ\Program\6-Protected\Inp\6-4-GIS\MXD\GAGroup\Garfield\RAW\PI\GarfieldAvenue_CEA_Extents.mxd

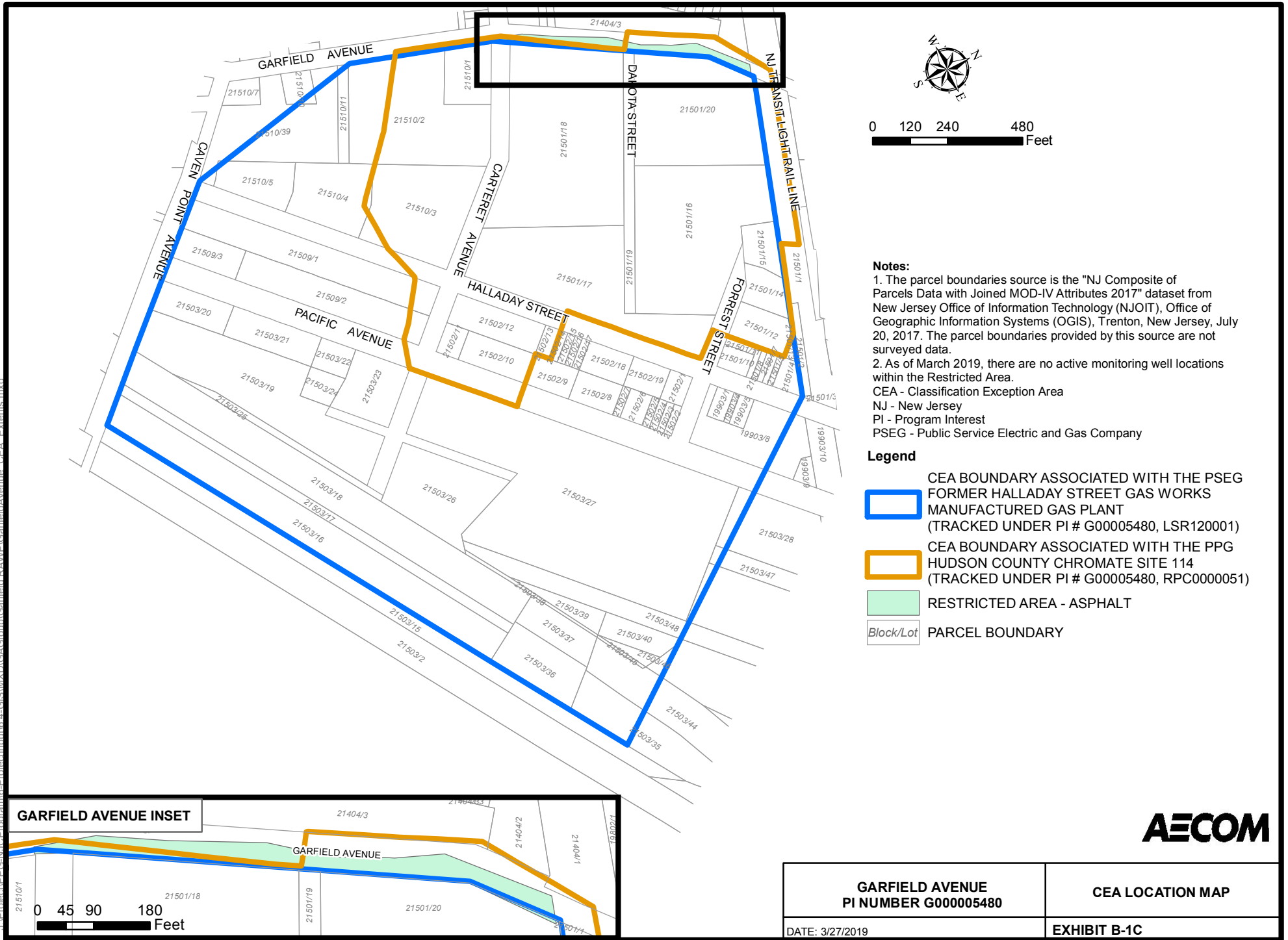


Exhibit B-2
Restricted Area Data Table - Asphalt Cap
Garfield Avenue
Jersey City, Hudson County, New Jersey

						Analyte CAS RN Units CrSCC RDCSRS NRDCSRS	CHROMIUM (HEXAVALENT) 18540-29-9 mg/kg 20 N/A N/A	ANTIMONY 7440-36-0 mg/kg N/A 31 450	
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Start Elevation (ft NAVD88)	Sample End Elevation (ft NAVD88)	Date Collected	Result	Qualifier	Result	Qualifier
114-B9B-CC-PB	114-B9B-SW-6.0-6.5	6.0 - 6.5	5.5	5.0	09/18/2014	484			
114-B9B-CC-SW	114-B9B-SW-2.0-2.5	2.0 - 2.5	9.5	9.0	09/18/2014	305			
114-B9B-CC-SW	114-B9B-SW-4.0-4.5	4.0 - 4.5	7.5	7.0	09/18/2014	921			
114-B9B-CC-SW	114-B9B-SW-4.0-4.5X	4.0 - 4.5	7.5	7.0	09/18/2014	1020		38.0	J
114-B9B-CC-SW	114-B9B-SW-5.5-6.0	5.5 - 6.0	6.0	5.5	09/18/2014	379		52.5	J
114-B10B-CC-PB	114-B10B-PB-6.0-6.5	6.0 - 6.5	5.6	5.1	09/19/2014	348			
114-B10B-CC-SW	114-B10B-SW-2.0-2.5	2.0 - 2.5	9.6	9.1	09/19/2014	284			
114-B10B-CC-SW	114-B10B-SW-4.0-4.5	4.0 - 4.5	7.6	7.1	09/19/2014	509			
114-B10B-CC-SW	114-B10B-SW-5.5-6.0	5.5 - 6.0	6.1	5.6	09/19/2014	487		35.9	
114-C12B-CC-PB	114-C12B-PB-6.0-6.5	6.0 - 6.5	5.3	4.8	09/24/2014	195	J		
114-C12B-CC-SW	114-C12B-SW-2.0-2.5	2.0 - 2.5	9.3	8.8	09/24/2014	85.0	J		
114-C12B-CC-SW	114-C12B-SW-4.0-4.5	4.0 - 4.5	7.3	6.8	09/24/2014	110	J		
114-C12B-CC-SW	114-C12B-SW-5.5-6.0	5.5 - 6.0	5.8	5.3	09/24/2014	206	J		
114CC-A`10A-SW	114-A`10A-0.5-1.0-SW	0.5 - 1.0	10.2	9.7	06/19/2012	33.9	J		
114CC-A`1A-SW	114-A`1A-0.5-1.0-SW	0.5 - 1.0	9.6	9.1	07/09/2012	51.0	J		
114CC-A`2A-SW	114-A`2A-0.5-1.0-SW	0.5 - 1.0	9.2	8.7	07/05/2012	42.2	J		
114CC-A`2A-SW	114-A`2A-2.5-3.0-SW	2.5 - 3.0	7.2	6.7	07/05/2012	67.5	J		
114CC-A`3A-SW	114-A`3A-2.5-3.0-SW	2.5 - 3.0	7.0	6.5	07/02/2012	39.6	J		
114CC-A`4A-SW	114-A`4A-0.5-1.0-SW	0.5 - 1.0	9.0	8.5	06/28/2012	1260	J		
114CC-A`4A-SW	114-A`4A-2.5-3.0-SW	2.5 - 3.0	7.0	6.5	06/28/2012	21.5	J		
114CC-A`5A-SW	114-A`5A-0.5-1.0-SW	0.5 - 1.0	9.3	8.8	06/27/2012	96.6	J		
114CC-A`5A-SW	114-A`5A-2.5-3.0-SW	2.5 - 3.0	7.3	6.8	06/27/2012	42.3	J		
114CC-A`5A-SW	114-A`5A-4.5-5.0-SW	4.5 - 5.0	5.3	4.8	06/27/2012	47.4	J		
114CC-A`6A-SW	114-A`6A-0.5-1.0-SW	0.5 - 1.0	9.4	8.9	06/25/2012	138	J		
114CC-A`9A-SW	114-A`9A-0.5-1.0-SW	0.5 - 1.0	9.9	9.4	06/20/2012	26.3	J		
114CC-A1B-SW	114-A1B-0.5-1.0-SW	0.5 - 1.0	9.4	8.9	07/16/2012	103	J		
114CC-A1B-SW	114-A1B-2.5-3.0-SW	2.5 - 3.0	7.4	6.9	07/16/2012	22.2	J		
114CC-A2B-PB	114-A2B-6.0-6.5-PB	6.0 - 6.5	4.8	4.3	07/18/2012	504	J		
114CC-A2B-SW	114-A2B-0.5-1.0-SW	0.5 - 1.0	9.7	9.2	07/18/2012	55.3	J		
114CC-A2B-SW	114-A2B-4.5-5.0-SW	4.5 - 5.0	5.7	5.2	07/18/2012	41.3	J		
114CC-A3B-SW	114-A3B-2.5-3.0-SW	2.5 - 3.0	7.8	7.3	07/19/2012	44.4	J		
114CC-A4B-PB	114-A4B-6.0-6.5-PB	6.0 - 6.5	4.9	4.4	07/23/2012	24.0	J		
114CC-A4B-SW	114-A4B-1.2-1.7-SW	1.2 - 1.7	9.3	8.8	07/23/2012	188	J		
114CC-A5B-PB	114-A5B-6.0-6.5-PB	6.0 - 6.5	5.0	4.5	07/24/2012	864	J		
114CC-A5B-SW	114-A5B-1.0-1.5-SW	1.0 - 1.5	9.7	9.2	07/24/2012	169	J		
114CC-A5B-SW	114-A5B-2.5-3.0-SW	2.5 - 3.0	8.2	7.7	07/24/2012	91.4	J		
114CC-A6B-PB	114-A6B-6.0-6.5-PB	6.0 - 6.5	5.1	4.6	07/26/2012	374	J		
114CC-A6B-SW	114-A6B-0.5-1.0-SW	0.5 - 1.0	10.3	9.8	07/26/2012	49.3	J		

Exhibit B-2
Restricted Area Data Table - Asphalt Cap
Garfield Avenue
Jersey City, Hudson County, New Jersey

						Analyte CAS RN Units CrSCC RDCSRS NRDCSRS	CHROMIUM (HEXAVALENT) 18540-29-9 mg/kg 20 N/A N/A	ANTIMONY 7440-36-0 mg/kg N/A 31 450		
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Start Elevation (ft NAVD88)	Sample End Elevation (ft NAVD88)	Date Collected	Result	Qualifier	Result	Qualifier	
114CC-A6B-SW	114-A6B-2.5-3.0-SW	2.5 - 3.0	8.3	7.8	07/26/2012	75.6	J			
114CC-A6B-SW	114-A6B-2.5-3.0-SWX	2.5 - 3.0	8.3	7.8	07/26/2012	59.4	J			
114CC-A6B-SW	114-A6B-4.5-5.0-SW	4.5 - 5.0	6.3	5.8	07/26/2012	101	J			
114CC-A7B-PB	114-A7B-6.0-6.5-PB	6.0 - 6.5	5.4	4.9	07/27/2012	1530	J			
114CC-A7B-SW	114-A7B-2.5-3.0-SW	2.5 - 3.0	8.2	7.7	07/27/2012	156	J			
114CC-A7B-SW	114-A7B-4.5-5.0-SW	4.5 - 5.0	6.2	5.7	07/27/2012	92.7	J			
114CC-A8B-SW	114-A8B-0.5-1.0-SW	0.5 - 1.0	10.3	9.8	07/30/2012	102	J			
114CC-A8B-SW	114-A8B-2.5-3.0-SW	2.5 - 3.0	8.3	7.8	07/30/2012	213	J			
114CC-A8B-SW	114-A8B-4.5-5.0-SW	4.5 - 5.0	6.3	5.8	07/30/2012	941	J			
114CC-A9B-PB	114-A9B-6.0-6.5-PB	6.0 - 6.5	5.5	5.0	07/31/2012	2220	J			
114CC-A9B-SW	114-A9B-0.5-1.0-SW	0.5 - 1.0	10.4	9.9	07/31/2012	242	J			
114CC-A9B-SW	114-A9B-2.5-3.0-SW	2.5 - 3.0	8.4	7.9	07/31/2012	95.5	J			
114GAR-3	114TP-3GAR-0.5-1.0	0.5 - 1.0	11.0	10.5	09/05/2012	692				
114GAR-3	114TP-3GAR-1.5-2.0	1.5 - 2.0	10.0	9.5	09/06/2012	126	J			
114GAR-3	114TP-3GAR-4.0-4.5	4.0 - 4.5	7.5	7.0	09/06/2012	293	J			
114GAR-3	114TP-3GAR-5.5-6.0	5.5 - 6.0	6.0	5.5	09/06/2012	405	J			
114SWE-A'6A	114-A'6A-6.5-7.0	6.5 - 7.0	4.2	3.7	07/31/2012			69.7		
A6	A6S0-5	0.0 - 0.5	10.5	10.0	09/02/2003	36.4	J			
A6	A6S6.5-7	6.5 - 7.0	4.0	3.5	09/02/2003			43.2	J	
A6	A6S8.5-9	8.5 - 9.0	2.0	1.5	09/02/2003			37.2	J	
C9	C9S7-7.5	7.0 - 7.5	4.5	4.0	09/03/2003	4840	J			
GAR-PDI-A'5B	GAR-PDI-A'5B-3.5-4.0	3.5 - 4.0	7.2	6.7	10/23/2016	50.9	J			
GAR-PDI-A6B	GAR-PDI-A6B-7.5-8.0	7.5 - 8.0	3.6	3.1	11/29/2016	209	J			
GAR-PDI-A6B	GAR-PDI-A6B-7.5-8.0X	7.5 - 8.0	3.6	3.1	11/29/2016	168	J			
GAR-PDI-A6B	GAR-PDI-A6B-8.0-8.5	8.0 - 8.5	3.1	2.6	11/29/2016	154	J			
GAR-PDI-A6B	GAR-PDI-A6B-10.0-10.5	10.0 - 10.5	1.1	0.6	11/29/2016	131	J			
GAR-PDI-A6B	GAR-PDI-A6B-12.0-12.5	12.0 - 12.5	-0.9	-1.4	11/29/2016	114	J			
GAR-PDI-A6B	GAR-PDI-A6B-14.0-14.5	14.0 - 14.5	-2.9	-3.4	11/29/2016	153	J			
GAR-PDI-A6B	GAR-PDI-A6B-16.0-16.5	16.0 - 16.5	-4.9	-5.4	11/29/2016	101	J			
GAR-PDI-A6B	GAR-PDI-A6B-18.0-18.5	18.0 - 18.5	-6.9	-7.4	11/29/2016	110	J			
GAR-PDI-A8B	GAR-PDI-A8B-8.0-8.5	8.0 - 8.5	3.3	2.8	11/21/2016	1820				
GAR-PDI-A8B	GAR-PDI-A8B-8.0-8.5X	8.0 - 8.5	3.3	2.8	11/21/2016	1640				
GAR-PDI-A8B	GAR-PDI-A8B-10.0-10.5	10.0 - 10.5	1.3	0.8	11/21/2016	861				
GAR-PDI-A8B	GAR-PDI-A8B-12.0-12.5	12.0 - 12.5	-0.7	-1.2	11/21/2016	30.8				
GAR-PDI-A8B	GAR-PDI-A8B-12.5-13.0	12.5 - 13.0	-1.2	-1.7	11/21/2016	115				
GAR-PDI-A8B	GAR-PDI-A8B-14.0-14.5	14.0 - 14.5	-2.7	-3.2	11/21/2016	56.1				
GAR-PDI-A8B	GAR-PDI-A8B-16.0-16.5	16.0 - 16.5	-4.7	-5.2	11/21/2016	40.1				
GAR-PDI-A8B	GAR-PDI-A8B-18.0-18.5	18.0 - 18.5	-6.7	-7.2	11/21/2016	64.6				

Exhibit B-2
Restricted Area Data Table - Asphalt Cap
Garfield Avenue
Jersey City, Hudson County, New Jersey

Analyte CAS RN Units CrSCC RDCSRS NRDCSRS						CHROMIUM (HEXVALENT) 18540-29-9 mg/kg 20 N/A N/A		ANTIMONY 7440-36-0 mg/kg N/A 31 450	
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Start Elevation (ft NAVD88)	Sample End Elevation (ft NAVD88)	Date Collected	Result	Qualifier	Result	Qualifier
GAR-PDI-B'11A	GAR-PDI-B'11A-10.0-10.5	10.0 - 10.5	1.1	0.6	11/20/2016	127	J		
GAR-PDI-B'11A	GAR-PDI-B'11A-10.5-11.0	10.5 - 11.0	0.6	0.1	11/20/2016	116	J		
GAR-PDI-B'14A	GAR-PDI-B'14A-8.0-8.5	8.0 - 8.5	3.4	2.9	11/13/2016	82.7	J		
GAR-PDI-B'14A	GAR-PDI-B'14A-9.5-10.0	9.5 - 10.0	1.9	1.4	11/13/2016	92.0	J		
GAR-PDI-B'14A	GAR-PDI-B'14A-10.0-10.5	10.0 - 10.5	1.4	0.9	11/13/2016	25.9	J		
GAR-PDI-B10B	GAR-PDI-B10B-7.5-8.0	7.5 - 8.0	4.1	3.6	12/02/2016	3550	J		
GAR-PDI-B10B	GAR-PDI-B10B-8.0-8.5	8.0 - 8.5	3.6	3.1	12/02/2016	3870	J		
GAR-PDI-B10B	GAR-PDI-B10B-10.0-10.5	10.0 - 10.5	1.6	1.1	12/08/2016	3490	J		
GAR-PDI-B10B	GAR-PDI-B10B-10.0-10.5X	10.0 - 10.5	1.6	1.1	12/08/2016	3340	J		
GAR-PDI-B10B	GAR-PDI-B10B-12.0-12.5	12.0 - 12.5	-0.4	-0.9	12/08/2016	2290	J		
GAR-PDI-B11B	GAR-PDI-B11B-8.0-8.5	8.0 - 8.5	3.9	3.4	11/30/2016	1790	J		
GAR-PDI-B11B	GAR-PDI-B11B-13.5-14.0	13.5 - 14.0	-1.6	-2.1	11/30/2016	1450	J		
GAR-PDI-C11B	GAR-PDI-C11B-9.0-9.5	9.0 - 9.5	3.0	2.5	12/02/2016	4470	J		
GAR-PDI-C11B	GAR-PDI-C11B-9.0-9.5X	9.0 - 9.5	3.0	2.5	12/02/2016	3360	J		
GAR-PDI-C12B	GAR-PDI-C12B-8.5-9.0	8.5 - 9.0	3.8	3.3	02/15/2017	1870	J		
GAR-PDI-C12B	GAR-PDI-C12B-9.0-9.5	9.0 - 9.5	3.3	2.8	02/15/2017	1450	J		
GAR-PDI-C12B	GAR-PDI-C12B-10.5-11.0	10.5 - 11.0	1.8	1.3	02/15/2017	1500	J		
GAR-PDI-B9B	GAR-PDI-B9B-6.0-6.5	6.0 - 6.5	5.6	5.1	11/21/2016	601			
GAR-PDI-B9B	GAR-PDI-B9B-8.0-8.5	8.0 - 8.5	3.6	3.1	11/21/2016	1240			
GB	GB0.4-0.9	0.4 - 0.9	9.8	9.3	03/15/2004	20.6			
GB	GB1.5-2	1.5 - 2.0	8.7	8.2	03/15/2004	48.4			
P4-GA-A'1A	114-GA-A'1A-6.0-6.5X	6.0 - 6.5	3.3	2.8	08/20/2014	355	J		
P4-GA-A5B	114-GA-A5B-5.5-6.0	5.5 - 6.0	4.0	3.5	08/21/2014	143	J		
P4-GA-A5B	114-GA-A5B-7.5-8.0	5.5 - 6.0	4.0	3.5	08/21/2014	120	J		
P4-GA-A5B	114-GA-A5B-9.5-10.0	9.5 - 10.0	0.0	-0.5	08/21/2014	21.4	J		
P4-GA-A5B	114-GA-A5B-10.5-11.0	10.5 - 11.0	-1.0	-1.5	08/21/2014	99.8	J		
P4-GA-A5B	114-GA-A5B-11.0-11.5	11.0 - 11.5	-1.5	-2.0	08/21/2014	78.9	J		
P4-GA-A5B	114-GA-A5B-13.0-13.5	13.0 - 13.5	-3.5	-4.0	08/21/2014	82.4	J		
P4-GA-A5B	114-GA-A5B-15.0-15.5	15.0 - 15.5	-5.5	-6.0	08/21/2014	140	J		
P4-GA-A7B	114-GA-A7B-5.5-6.0	5.5 - 6.0	3.9	3.4	08/22/2014	868			
P4-GA-A7B	114-GA-A7B-5.5-6.0X	5.5 - 6.0	3.9	3.4	08/22/2014	723			
P4-GA-A7B	114-GA-A7B-6.0-6.5	6.0 - 6.5	3.4	2.9	08/22/2014	668			
P4-GA-A7B	114-GA-A7B-8.0-8.5	8.0 - 8.5	1.4	0.9	08/22/2014	28.7			
P4-GA-A7B	114-GA-A7B-10.0-10.5	10.0 - 10.5	-0.6	-1.1	08/22/2014	664			
P4-GA-A7B	114-GA-A7B-12.0-12.5	12.0 - 12.5	-2.6	-3.1	08/22/2014	199			
P4-GA-A7B	114-GA-A7B-14.0-14.5	14.0 - 14.5	-4.6	-5.1	08/22/2014	148			
P4-GA-A7B	114-GA-A7B-16.0-16.5	16.0 - 16.5	-6.6	-7.1	08/22/2014	64.5			

Exhibit B-2
Restricted Area Data Table - Asphalt Cap
Garfield Avenue
Jersey City, Hudson County, New Jersey

Notes:

CCPW was observed in the clean corridor excavation at the following locations: adjacent to 114CC-A`3A-SW from El. 8.5 to 8.0 ft NAVD88 and El. 7.0 to 6.5 ft NAVD88, adjacent to 114CC-A4B-PB from El. 4.9 to 4.4 ft NAVD88, adjacent to 114CC-A4B-SW from El. 10.5 to 8.8 ft NAVD88, and adjacent to 114CC-A8B-SW from El. 10.8 to 5.8 ft NAVD88 and El. 5.6 to 5.1 ft NAVD88.

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

bgs - below ground surface

CAS RN - Chemical Abstracts Service Registry Number

CCPW - Chromate Chemical Production Waste

CrSCC - NJDEP Interim Chromium Soil Cleanup Criteria

El. - elevation

ft - feet or foot

mg/kg - milligrams per kilogram

N/A - 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

"X" at the end of the Sample ID indicates field duplicate sample.

Blank result indicates that the analyte did not exceed the CrSCC, RDCSRS, and/or NRDCSRS.

Bold result indicates a hexavalent chromium result that exceeded the CrSCC or an antimony result that exceeded the RDCSRS.

EXHIBIT C

Narrative descriptions of the institutional controls and engineering controls

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

Exhibit C-2: Narrative Description of Asphalt Cap Engineering Control

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:

This Notice in Lieu of Deed Notice is for soil (Soil Restricted Area), located within the right-of-way of Garfield Avenue in Jersey City, New Jersey, as depicted on **Exhibit B-1A**. The contaminants of concern at the Property are visible Chromate Chemical Production Waste (CCPW), hexavalent chromium (Cr^{+6}), and antimony (Sb). The estimated size of the Soil Restricted Area is 26,558 square feet (ft^2) (0.61 acres). Note that the Sb concentrations remaining in the Garfield Avenue Soil Restricted Area do not exceed the Non-Residential Direct Contact Soil Remediation Standard (NRDCSRS) and the concentrations of antimony in the unsaturated zone do not exceed the Impact to Groundwater Soil Remediation Standard – Garfield Avenue Group (IGWSRS-GAG); therefore, these contaminants are not restricted for the current roadway use. However, antimony is listed in this Notice in Lieu of Deed Notice, in case of future rezoning, because there are antimony concentrations remaining in the roadway that are greater than the Residential Direct Contact Soil Remediation Standard (RDCSRS).

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

The restrictions in this Notice in Lieu of Deed Notice minimize exposure to the contaminants of concern identified above in **Exhibit C-1 (A)**, which exceed the unrestricted use standards in the Soil Restricted Area of Garfield Avenue. Through the use of this Notice in Lieu of Deed Notice and implementation of engineering controls, 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 visible CCPW and Cr^{+6} in soil at concentrations greater than the unrestricted use standards.

Exhibit C-2: Narrative Description of the Asphalt Cap Engineering Control

(A) Description of the engineering control:

Asphalt (i.e., Asphalt Cap Engineering Control) is present within the Soil Restricted area at varying thicknesses as an engineering control to restrict access to soils with visible CCPW and Cr^{+6} at concentrations greater than the unrestricted use standards. The extent of the

Asphalt Cap Engineering Control is depicted on **Exhibits B-1A**. An as-built typical section of the Asphalt Cap Engineering Control is shown on **Exhibit B-1B**.

(B) The objective of the engineering control:

The objective of the Asphalt Cap Engineering Control is to protect human health and the environment by restricting access and eliminating exposure to soil underlying the Asphalt Cap that has visible CCPW and Cr⁺⁶ at concentrations greater than the unrestricted use standards.

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

The Asphalt Cap Engineering Control is intended to function as a barrier that prevents direct contact with and incidental exposure to the underlying soil containing visible CCPW and Cr⁺⁶ at concentrations greater than the unrestricted use standards.