

Appendix N

Draft Deed Notices and Draft Notice in Lieu of Deed Notice

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

DEED NOTICE

IN ACCORDANCE WITH N.J.S.A. 58:10B-13, THIS DOCUMENT IS TO BE RECORDED IN THE SAME MANNER AS ARE DEEDS AND OTHER INTERESTS IN REAL PROPERTY.

Prepared by: _____
[Signature]

[Print name below signature]

Recorded by: _____
[Signature, Officer of County Recording Office]

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the _____ day of _____, _____, by 90 Forrest Associates, L.L.C. with an address of 2473 NW 66th Drive, Boca Raton, FL 33496 (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. 90 Forrest Associates, L.L.C. with an address of 2473 NW 66th Drive, Boca Raton, FL 33496 is the owner in fee simple of certain real property designated as Block 21501 Lots 11 and 12, on the tax map of the City of Jersey City, Hudson County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is 775706; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. The New Jersey Department of Environmental Protection has approved this 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 City of Jersey City, and PPG and approved by the court on June

26, 2009 (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 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 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 which included the Property, and in consideration of the terms and conditions of that remedial action, and other good and valuable consideration, 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 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.

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 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 the Department of Environmental Protection on a form provided by the Department 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 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 Deed Notice Form; and

(C) A revised recorded 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 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, the notice the Owner gave to those persons prior to the disturbance.

7B. EMERGENCIES. In the event of an emergency which 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 the Department of Environmental Protection 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 the Department of Environmental Protection 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 the Department of Environmental Protection 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 DEED NOTICE.

i. This Deed Notice may be terminated only upon recording a Department-approved Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the office of the Register of Deeds and Mortgages of Hudson County, New Jersey, expressly terminating this Deed Notice.

ii. Within 30 calendar days after recording a Department-approved Termination of Deed Notice, the owner of the property should apply to the Department 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 the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this 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 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 the Department.

10. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, 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 the Department against any person who violates this Deed Notice. To enforce violations of this Deed Notice, the Department 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 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 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 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 Property, including reference to tax lot and block numbers for the Property;

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 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 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: Deed Notice as Institutional Control: Exhibit C-1 includes a narrative description of the restriction and obligations of this 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 Deed Notice;
and

(C) The objective of the restrictions.

ii. Exhibit C-2: Restricted Area A Engineering Control – 84 Forrest Street Loading Dock Engineering Control: Exhibit C-2 includes a narrative description of the 84 Forrest Street Loading Dock 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.

iii. Exhibit C-3: Restricted Area B Engineering Control – 86/90 Forrest Street Existing Concrete Cap: Exhibit C-3 includes a narrative description of the 86/90 Forrest Street Existing Concrete 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.

iv. Exhibit C-4: Restricted Area C Engineering Control – 90 Forrest Street Boiler Room Basement Engineering Control: Exhibit C-4 includes a narrative description of the 90 Forrest Street Boiler Room Basement 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.

v. Exhibit C-5: Restricted Area D Engineering Control – 90 Forrest Street Alleyway Asphalt Cap: Exhibit C-5 includes a narrative description of the 90 Forrest Street Alleyway Asphalt Cap 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.

ATTEST: [Name of corporation]

_____ By _____

[Print name and title]

[Signature]

STATE OF NEW JERSEY SS.:
COUNTY OF HUDSON

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 90 Forrest Associates, L.L.C., 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]

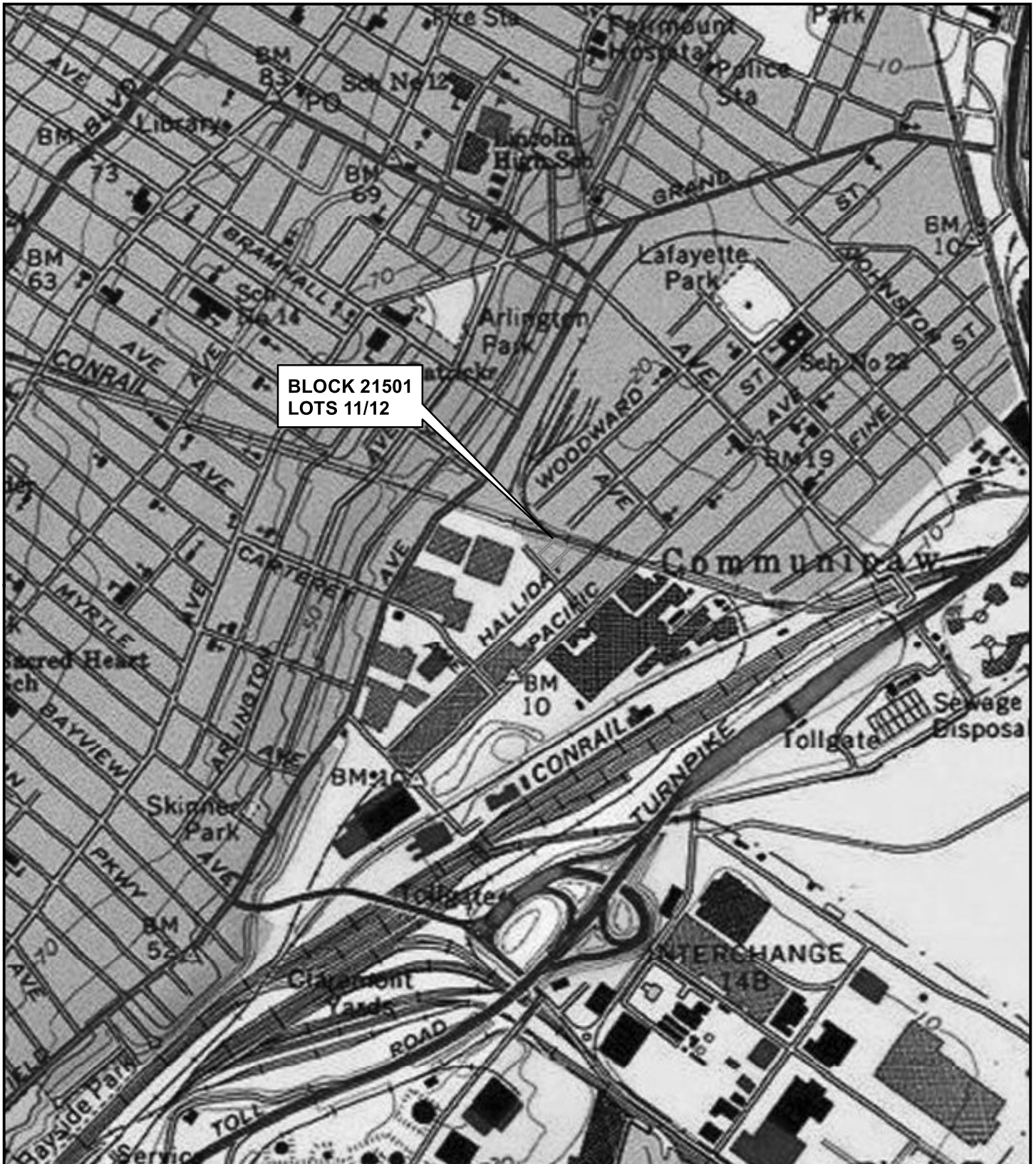
EXHIBIT A

Maps of the Property and Vicinity

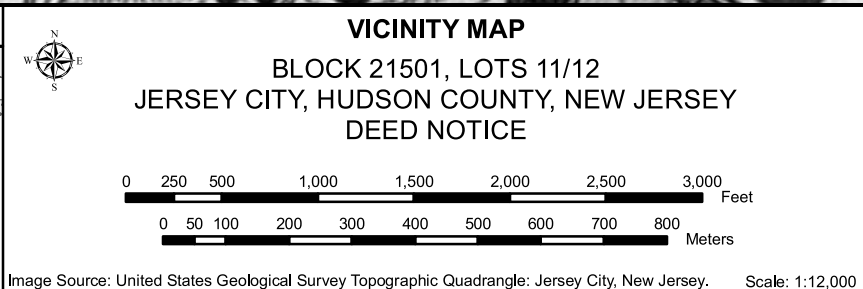
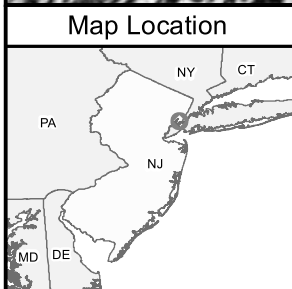
Exhibit A-1: Vicinity Map

Exhibit A-2: Metes and Bounds Description

Exhibit A-3: Property Map



BLOCK 21501
LOTS 11/12



AECOM

Exhibit A-1

Date: 07/29/2019

Project #: 60544821

EXHIBIT A-2 Metes & Bounds Description

To be provided as part of the Final Deed Notice

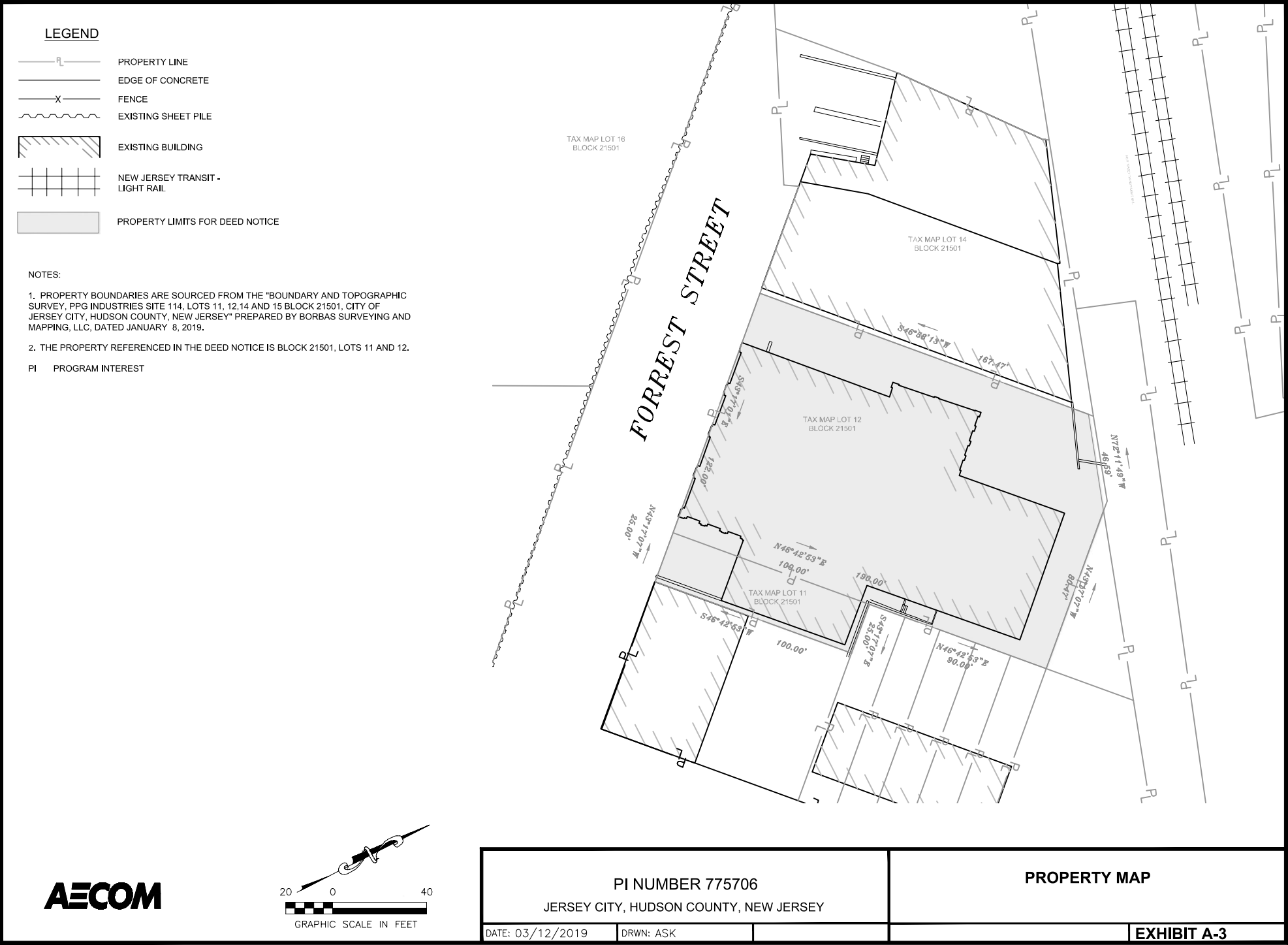


EXHIBIT B

Description of Restricted Area

Exhibit B-1A: Restricted Area Map – Restricted Area A – 84 Forrest Street Loading Dock Engineering Control

Exhibit B-1B: Engineering Control – As-Built Typical Section – Restricted Area A – 84 Forrest Street Loading Dock Engineering Control

Exhibit B-1C: Restricted Area Map – Restricted Area B – 86/90 Forrest Street Existing Concrete Cap

Exhibit B-1D: Engineering Control – As-Built Typical Section – Restricted Area B – 86/90 Forrest Street Existing Concrete Cap

Exhibit B-1E: Restricted Area Map – Restricted Area C – 90 Forrest Street Boiler Room Basement Engineering Control

Exhibit B-1F: Engineering Control – As-Built Typical Section – Restricted Area C – 90 Forrest Street Boiler Room Basement Engineering Control

Exhibit B-1G: Restricted Area Map – Restricted Area D – 90 Forrest Street Alleyway Asphalt Cap

Exhibit B-1H: Engineering Control – As-Built Typical Section – Restricted Area D – 90 Forrest Street Alleyway Asphalt Cap

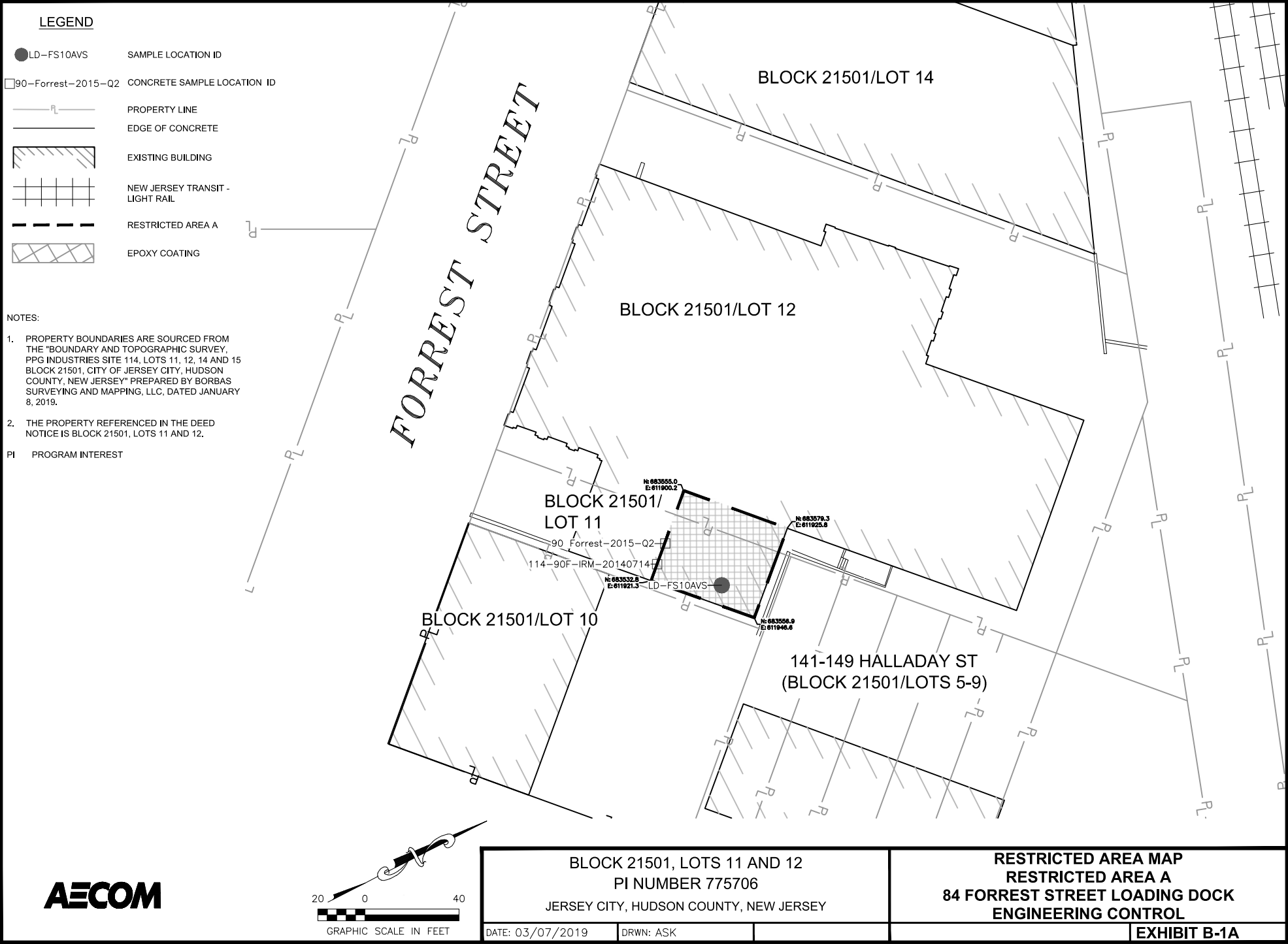
Exhibit B-1I: CEA and Groundwater Monitoring Well Location Map

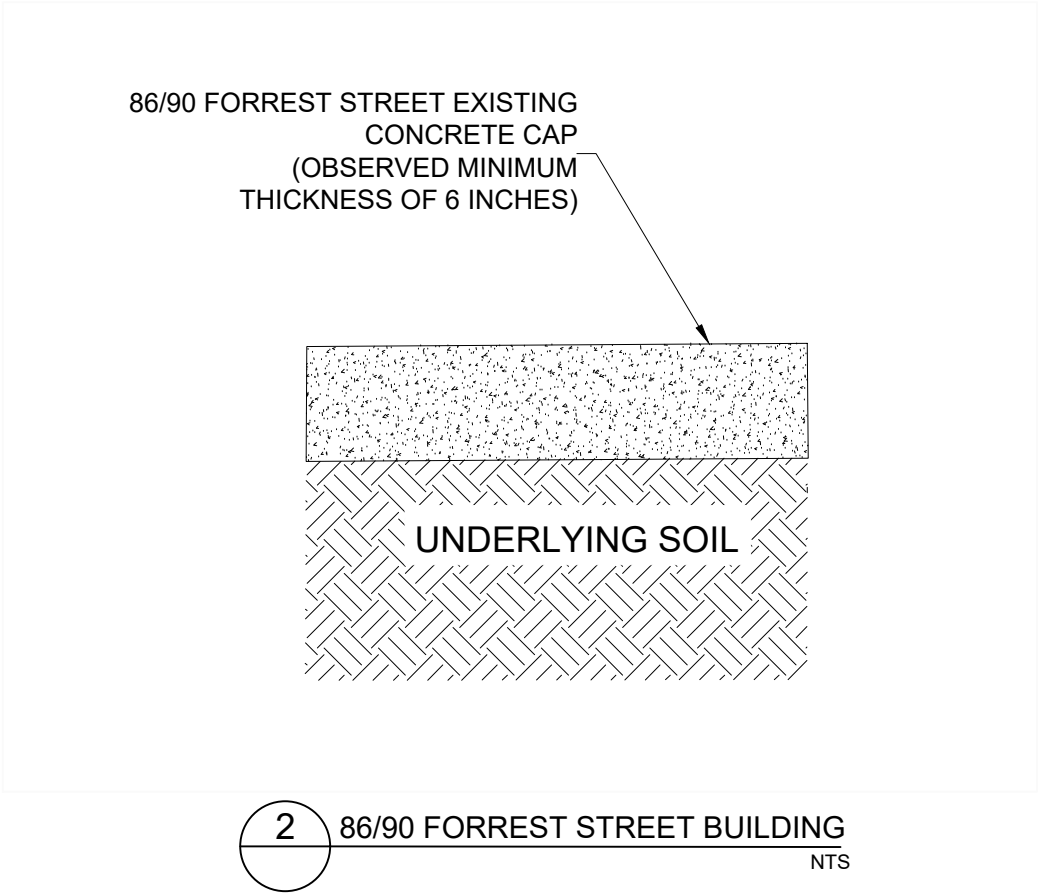
Exhibit B-2A: Restricted Area Data Table – Restricted Area A – 84 Forrest Street Loading Dock Engineering Control

Exhibit B-2B: Restricted Area Data Table – Restricted Area B – 86/90 Forrest Street Existing Concrete Cap

Exhibit B-2C: Restricted Area Data Table – Restricted Area C – 90 Forrest Street Boiler Room Basement Engineering Control

Exhibit B-2D: Restricted Area Data Table – Restricted Area D – 90 Forrest Street Alleyway Asphalt Cap



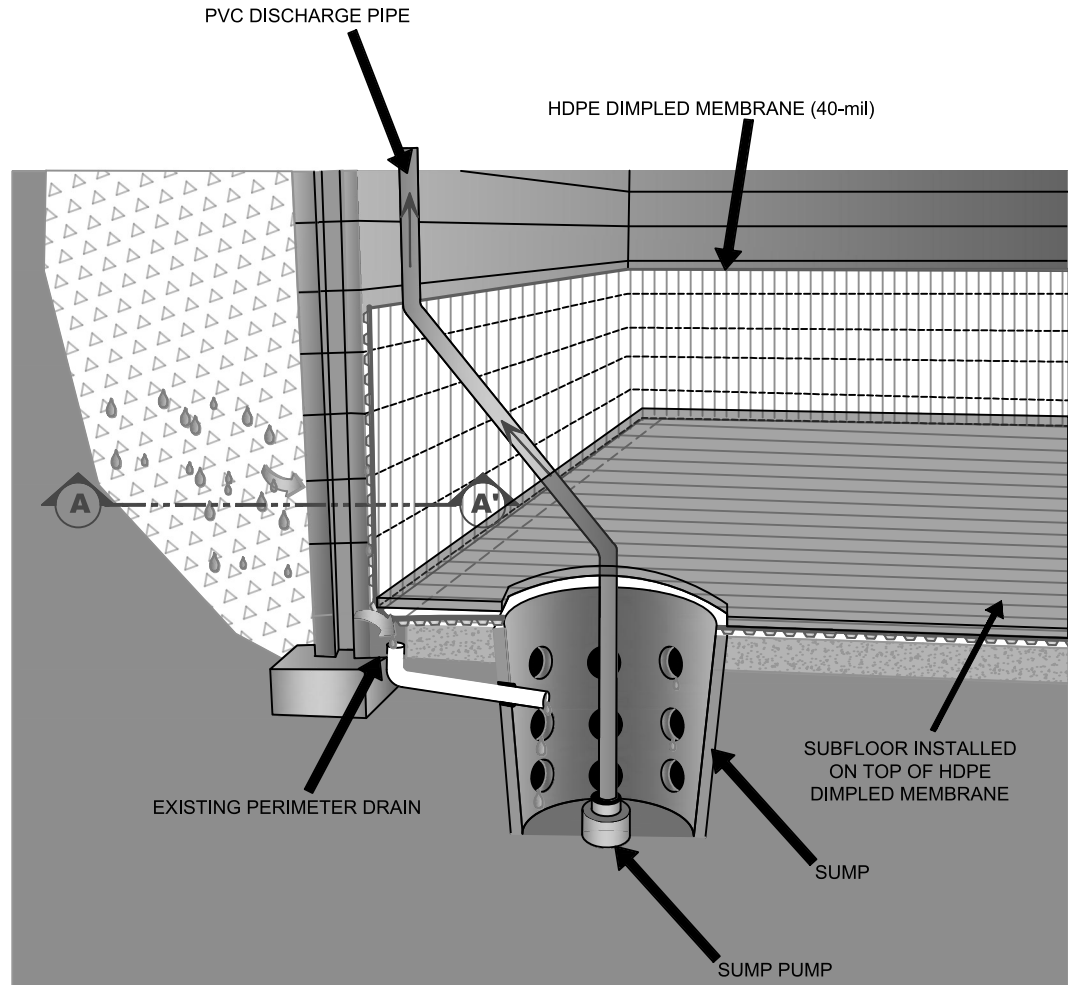


NOTES:

NTS NOT TO SCALE
PI PROGRAM INTEREST



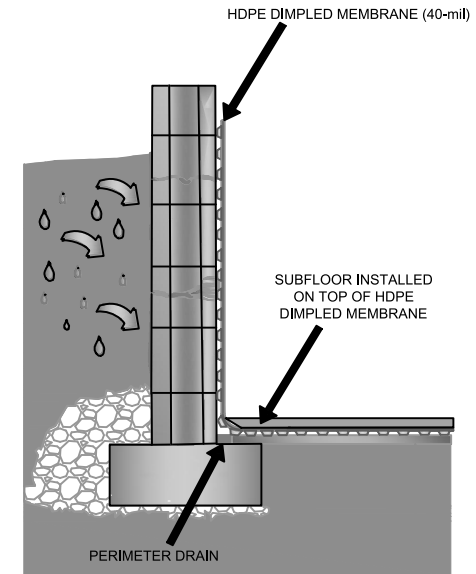
BLOCK 21501, LOTS 11 AND 12 PI NUMBER 775706 JERSEY CITY, HUDSON COUNTY, NEW JERSEY		ENGINEERING CONTROL AS-BUILT TYPICAL SECTION - RESTRICTED AREA B 86/90 FORREST STREET EXISTING CONCRETE CAP	
DATE: 07/15/2019	DRWN: ASK/ALC		EXHIBIT B-1D



BOILER ROOM BASEMENT
HDPE DIMPLED MEMBRANE

ISOMETRIC VIEW

NTS



BOILER ROOM BASEMENT
HDPE DIMPLED MEMBRANE

SECTION A - A' NTS

NOTES:

HDPE	HIGH-DENSITY POLYETHYLENE
mil	MILLIMETER
NTS	NOT TO SCALE
PI	PROGRAM INTEREST
PVC	POLYVINYL CHLORIDE

THE ENGINEERING CONTROL FOR THE 90 FORREST STREET
BOILER ROOM BASEMENT WILL BE INCLUDED IN A FUTURE
GROUNDWATER REMEDIAL ACTION PERMIT.

AECOM

BLOCK 21501, LOTS 11 AND 12

PI NUMBER 775706

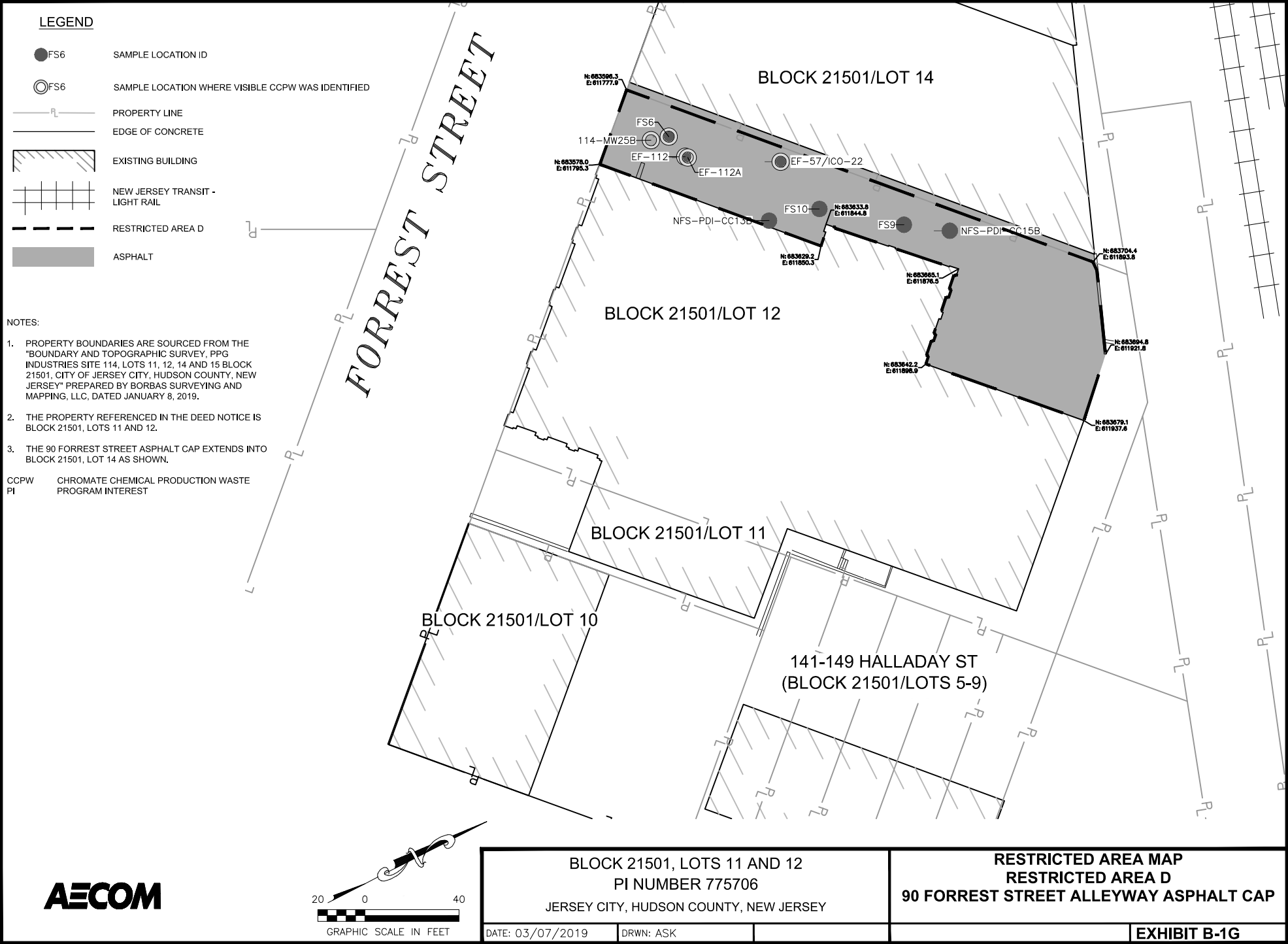
JERSEY CITY, HUDSON COUNTY, NEW JERSEY

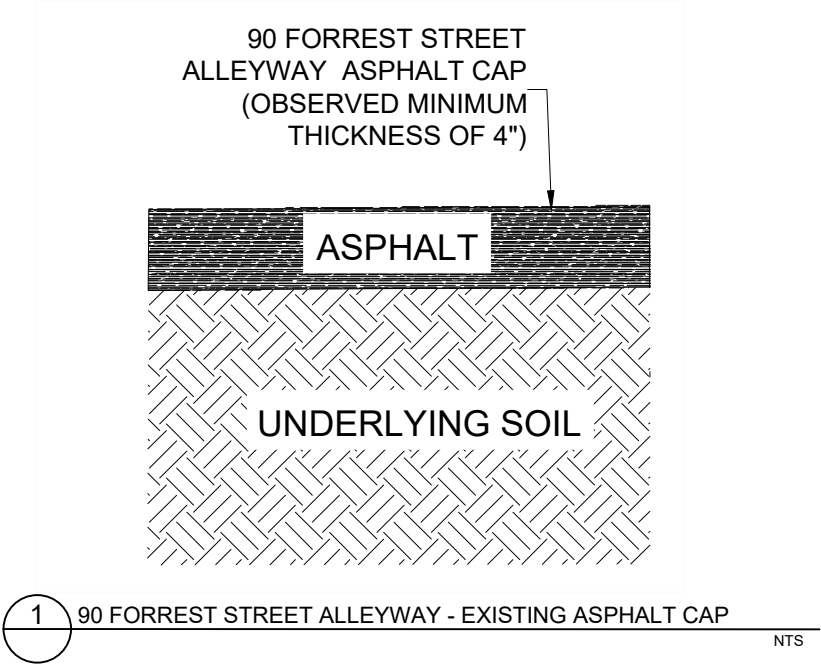
ENGINEERING CONTROL
AS-BUILT TYPICAL SECTION - RESTRICTED AREA C
90 FORREST STREET BOILER ROOM BASEMENT
ENGINEERING CONTROL

DATE: 07/15/2019

DRWN: ASK/ALC

EXHIBIT B-1F





NOTES:

NTS NOT TO SCALE

PI PROGRAM INTEREST



FORREST STREET PI NUMBER 775706 JERSEY CITY, HUDSON COUNTY, NEW JERSEY			ENGINEERING CONTROLS AS-BUILT TYPICAL SECTIONS/RESTRICTED AREA D 90 FORREST STREET ALLEYWAY ASPHALT CAP	
DATE: 03/11/2020	DRWN: ALC			EXHIBIT B-1H

Exhibit B-2A
Restricted Area Data Table - Restricted Area A
84 Forrest Street Loading Dock Engineering Control
Block 21501, Lots 11 and 12
Jersey City, Hudson County, New Jersey

						Analyte CAS RN Units CrSCC	CHROMIUM (HEXAVALENT) 18540-29-9 mg/kg 20
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Elevation Interval (ft NAVD88)	Sample Type	Date Collected	Result	Qualifier
114-90F-IRM-20140714	114-90F-IRM-20140714	N/A	N/A	Concrete Chip	07/14/2014	44.6	RA
90 FORREST-2015-Q2	90 FORREST-2015-Q2	N/A	N/A	Concrete Chip	06/24/2015	65.0	
LD-FS10AVS	LD-FS10AVS-6.0-6.5	6.0 to 6.5	14.4 to 13.9	Soil	09/08/2016	25.2	

Exhibit B-2A
Restricted Area Data Table - Restricted Area A
84 Forrest Street Loading Dock Engineering Control
Block 21501, Lots 11 and 12
Jersey City, Hudson County, New Jersey

Notes:

bgs - below ground surface

CAS RN - Chemical Abstracts Service Registry Number

Cr - chromium

CrSCC - NJDEP Interim Chromium Soil Cleanup Criteria

ft - feet

mg/kg - milligrams per kilogram

N/A - not applicable

NAVD88 - North American Vertical Datum of 1988

NJDEP - New Jersey Department of Environmental Protection

RA - The result was rejected due to deficiencies but is considered usable for decision-making purposes.

There are no Cr cleanup criteria or remediation standards for concrete, so concrete results are being compared to the CrSCC.

Bold result indicates a hexavalent chromium result that exceeded the CrSCC.

Exhibit B-2B
Restricted Area Data Table - Restricted Area B
86/90 Forrest Street Existing Concrete Cap
Block 21501, Lots 11 and 12
Jersey City, Hudson County, New Jersey

CCPW-impacted soil which would require a deed notice has not been observed beneath the building footprint within soil borings; however, it is possible that CCPW and CCPW-impacted soil may be present within the footprint of the 86/90 Forrest Street building since CCPW-impacted soil is present in adjacent restricted areas. Therefore, this engineering control is intended to prevent direct contact with potential CCPW-impacts.

Notes:

CCPW - Chromate Chemical Production Waste

Exhibit B-2C
Restricted Area Data Table - Restricted Area C
90 Forrest Street Boiler Room Basement Engineering Control
Block 21501, Lots 11 and 12
Jersey City, Hudson County, New Jersey

						Analyte CAS RN Units CrSCC CHROMIUM (HEXAVALENT) 18540-29-9 mg/kg 20	
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Elevation Interval (ft NAVD88)	Sample Type	Date Collected	Result	Qualifier
FS-CH-North	FS-CH-NORTH-1	N/A	N/A	Concrete Chip	09/23/2013	155	J
FS-CH-South	FS-CH-SOUTH-1	N/A	N/A	Concrete Chip	09/23/2013	789	J
FS-CH-West	FS-CH-WEST-1	N/A	N/A	Concrete Chip	09/23/2013	26.6	J
FSI2	FSI2-CM	0.2 to 0.3	3.2 to 3.1	Concrete Core	04/09/2014	21.8	J

Exhibit B-2C
Restricted Area Data Table - Restricted Area C
90 Forrest Street Boiler Room Basement Engineering Control
Block 21501, Lots 11 and 12
Jersey City, Hudson County, New Jersey

Notes:

bgs - below ground surface

CAS RN - Chemical Abstracts Service Registry Number

Cr - chromium

CrSCC - NJDEP Interim Chromium Soil Cleanup Criteria

ft - feet

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

mg/kg - milligrams per kilogram

N/A - not applicable

NAVD88 - North American Vertical Datum of 1988

NJDEP - New Jersey Department of Environmental Protection

There are no Cr cleanup criteria or remediation standards for concrete, so concrete results are being compared to the CrSCC.

Bold result indicates a hexavalent chromium result that exceeded the CrSCC.

Exhibit B-2D
Restricted Area Data Table - Restricted Area D
90 Forrest Street Alleyway Asphalt Cap
Block 21501, Lots 11 and 12
Jersey City, Hudson County, New Jersey

					Analyte CAS RN Units CrSCC IGWSRS-GAG	CHROMIUM (HEXAVALENT) 18540-29-9 mg/kg 20 N/A	NICKEL 7440-02-0 mg/kg N/A 170	
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Elevation Interval (ft NAVD88)	Date Collected	Result	Qualifier		
EF-112	EF-B112-1.0-1.5	1.0 to 1.5	9.4 to 8.9	09/12/2012	66.8	J		
EF-112A	EF-112A-2.0-2.5	2.0 to 2.5	8.5 to 8.0	03/12/2014	25.6		316	
FS6	FS6-0.0-0.5	0.0 to 0.5	10.3 to 9.8	02/24/2014	31.4		299	
FS6	FS6-2.0-2.5	2.0 to 2.5	8.3 to 7.8	02/24/2014			280	
EF-57/ICO-22	ICO-B22-0.5	0.5 to 1.0	10.2 to 9.7	06/03/2011	29.9			
NFS-PDI-CC13B	NFS-PDI-CC13B-2.0-2.5	2.0 to 2.5	8.7 to 8.2	09/14/2016	21.4			
FS10	FS10-2.0-2.5	2.0 to 2.5	8.6 to 8.1	03/04/2014	21.0	J		
FS10	FS10-2.0-2.5X	2.0 to 2.5	8.6 to 8.1	03/04/2014	26.3	J		
FS9	FS9-2.0-2.5	2.0 to 2.5	8.7 to 8.2	03/05/2014	32.3	J		
FS9	FS9-2.0-2.5X	2.0 to 2.5	8.7 to 8.2	03/05/2014	37.5	J		
NFS-PDI-CC15B	NFS-PDI-CC15B-0.2-0.7	0.2 to 0.7	10.5 to 10.0	09/14/2016	24.1	J		

Exhibit B-2D
Restricted Area Data Table - Restricted Area D
90 Forrest Street Alleyway Asphalt Cap
Block 21501, Lots 11 and 12
Jersey City, Hudson County, New Jersey

Notes:

Visible CCPW was encountered in the following borings: EF-112 from 0.3 to 1.5 ft bgs (Elevation 10.1 to 8.9 ft NAVD88), EF-112A from 2.0 to 2.3 ft bgs (Elevation 8.5 to 8.2 ft NAVD88), FS6 from 0.3 to 3.0 ft bgs (El. 10.0 to 7.3 ft NAVD88), EF-57/ICO-22 from 0.7 to 1.0 ft bgs (El. 10.0 to 9.7 ft NAVD88), and 114-MW25B from 0.0 to 3.0 ft bgs (El. 10.3 to 7.3 ft NAVD88).

bgs - below ground surface

CAS RN - Chemical Abstracts Service Registry Number

CCPW - Chromate Chemical Production Waste

CrSCC - NJDEP Interim Chromium Soil Cleanup Criteria

ft - feet

El. - elevation

IGWSRS-GAG - Impact to Groundwater Soil Remediation Standard - Garfield Avenue Group (site-specific alternative remediation standard as proposed in the Supplemental Soil Remedial Investigation Report, Final Revision 1, dated 08/30/18 and approved by NJDEP on 10/22/18)

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

mg/kg - milligrams per kilogram

N/A - not applicable

NAVD88 - North American Vertical Datum of 1988

NJDEP - New Jersey Department of Environmental Protection

Blank result indicates that the concentration of the analyte did not exceed the CrSCC or IGWSRS-GAG.

Bold result indicates a hexavalent chromium concentration that exceeded the CrSCC.

Underlined result indicates result exceeded the IGWSRS-GAG. The groundwater elevation (above which is the unsaturated zone) on this property was estimated as the 50th percentile groundwater elevation from ten monitoring wells gauged between February 2007 and December 2016. The estimated groundwater elevation is El. 6.1 ft NAVD88.

EXHIBIT C

Narrative descriptions of the institutional controls and engineering controls

Exhibit C-1: Deed Notice as Institutional Control

Exhibit C-2: Narrative Description of the Restricted Area A Engineering Control: 84 Forrest Street Loading Dock Engineering Control

Exhibit C-3: Narrative Description of the Restricted Area B Engineering Control: 86/90 Forrest Street Existing Concrete Cap

Exhibit C-4: Narrative Description of the Restricted Area C Engineering Control: 90 Forrest Street Boiler Room Basement Engineering Control

Exhibit C-5: Narrative Description of the Restricted Area D Engineering Control: 90 Forrest Street Alleyway Asphalt Cap

EXHIBIT C

Narrative descriptions of the institutional and engineering controls

Exhibit C-1: Deed Notice as Institutional Control

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

This deed notice is for soil (Soil Restricted Area A, Restricted Area B, Restricted Area C, and Restricted Area D), located at Block 21510, Lots 11 and 12 in Jersey City, New Jersey, as depicted on **Exhibits B-1A, B-1C, B-1E, and B-1G**.

In Restricted Area A, the contaminant of concern is hexavalent chromium (Cr^{+6}). The estimated size of the Soil Restricted Area A is 1,072 square feet (ft^2) (0.02 acres).

In Restricted Area B, the contaminants of concern are visible Chromate Chemical Production Waste (CCPW) and Cr^{+6} . The estimated size of the Soil Restricted Area B is 13,711 ft^2 (0.32 acres).

In Restricted Area C, the contaminant of concern is Cr^{+6} . The estimated size of the Soil Restricted Area C is 1,351 ft^2 (0.03 acres).

In Restricted Area D, the contaminants of concern are visible CCPW, Cr^{+6} , and nickel. The estimated size of the Soil Restricted Area D is 5,112 ft^2 (0.12 acres).

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

The restrictions included in this Deed Notice minimize exposure to the contaminants of concern identified in **Exhibit C-1(A)**, which include visible CCPW, Cr^{+6} at concentrations greater than the Chromium Soil Cleanup Criteria (CrSCC), and nickel at concentrations greater than the Impact to Groundwater Soil Remediation Standard - Garfield Avenue Group (IGWSRS-GAG) (site-specific alternative remediation standard as proposed in the Supplemental Soil Remedial Investigation Report, Final Revision 1, dated 08/30/18 and approved by New Jersey Department of Environmental Protection [NJDEP] on 10/22/18) in the Soil Restricted Areas of Block 21501, Lots 11 and 12. Through the use of this 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 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 contaminants of concern in soil at concentrations greater than the CrSCC and/or the IGWSRS-GAG.

Exhibit C-2: Narrative Description of the Restricted Area A Engineering Control: 84 Forrest Street Loading Dock Engineering Control

(A) Description of the engineering control:

A 40 mil high-density polyethylene (HDPE) liner has been installed along the entire face of the existing concrete block wall on the south side of the 84 Forrest Street loading dock. Following installation of the HDPE liner, a new concrete block wall with epoxy coating was constructed up against the HDPE Liner. The existing loading dock concrete slab was extended to the new concrete block wall with reinforced concrete. Epoxy coating has been applied along with a Protective Wearing Material over the interior horizontal surface of the 84 Forrest Street loading dock. The protective wearing surface installed over the interior horizontal surface of the loading dock consists of industrial rubber matting, diamond plating, or another form of an industrial-strength wearing surface. Loading dock bumpers were installed on the vertical interior face of the loading dock where the epoxy coating had been applied. The loading dock bumpers consist of durable material capable of withstanding impacts from vehicles during loading/off-loading activities at the loading dock.

The horizontal extent of the 84 Forrest Street Loading Dock Engineering Control is depicted on **Exhibit B-1A**. An as-built typical section detail of the 84 Forrest Street Loading Dock Engineering Control is shown on **Exhibit B-1B**.

(B) The objective of the engineering control:

The objective of the 84 Forrest Street Loading Dock Engineering Control is to protect human health and the environment by preventing direct contact with potential future surficial blooms of Cr^{+6} on the concrete, which could result from soil underlying the loading dock that contains Cr^{+6} at concentrations greater than the CrSCC.

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

The 84 Forrest Street Loading Dock Engineering Control is intended to function as a protective impermeable barrier that prevents direct contact with potential future surficial blooms of Cr^{+6} on the concrete that could result from soil underlying the loading dock that contains Cr^{+6} at concentrations greater than the CrSCC.

Exhibit C-3: Narrative Description of the Restricted Area B Engineering Control: 86/90 Forrest Street Existing Concrete Cap

(A) Description of the engineering control:

The existing concrete slab (observed minimum thickness of 6 inches) of the 86/90 Forrest Street building provides a barrier to soils underlying the building containing Cr⁺⁶ at concentrations greater than the CrSCC and visible CCPW. The horizontal extent of the 86/90 Forrest Street Existing Concrete Cap Engineering Control is depicted on **Exhibit B-1C**. An as-built typical section of the 86/90 Forrest Street Existing Concrete Cap Engineering Control is shown on **Exhibit B-1D**.

(B) The objective of the engineering control:

The objective of the 86/90 Forrest Street Existing Concrete Cap Engineering Control is to protect human health and the environment by restricting access and eliminating exposure to soil underlying the building that may contain visible CCPW and/or Cr⁺⁶ at concentrations greater than the CrSCC. Note that CCPW-impacted soil has not been observed beneath the building footprint within soil borings; however, it is possible that CCPW and CCPW-impacted soil may have been placed within the footprint of the 86/90 Forrest Street building when it was being constructed. Additionally, CCPW-impacted soil is present in adjacent restricted areas. Therefore, this engineering control is intended to prevent direct contact with potential CCPW-related impacts.

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

The 86/90 Forrest Street Existing Concrete Cap Engineering Control is intended to function as a physical barrier that prevents direct contact with and incidental exposure to soil underlying the building that contains visible CCPW and/or Cr⁺⁶ at concentrations greater than the CrSCC.

Exhibit C-4: Narrative Description of the Restricted Area C Engineering Control: 90 Forrest Street Boiler Room Basement Engineering Control

(A) Description of the engineering control:

The following engineering controls have been installed in the 90 Forrest Street Boiler Room Basement:

- A 40-mil HDPE dimpled membrane on the walls and floor;
- An epoxy coating on the masonry staircase; and
- A subfloor on top of the HDPE dimpled membrane on the floor.

The measures listed above are intended to prevent exposure to and direct contact with CCPW-impacted groundwater and concrete in the boiler room basement.

A drainage system consisting of sump pumps, polyvinyl chloride (PVC) piping, and bulk storage containers has been installed in the 90 Forrest Street Boiler Room Basement (bulk storage containers were installed just outside of the boiler room basement in the backyard). Locking sump covers and grating on the trench drain were also installed. These measures are intended to prevent exposure and direct contact with CCPW-impacted groundwater.

The horizontal extent of the 90 Forrest Street Boiler Room Basement Engineering Control is depicted on **Exhibit B-1E**. An as-built typical section of the 90 Forrest Street Boiler Room Basement Engineering Control is shown on **Exhibit B-1F**.

(B) The objective of the engineering control:

The objective of the 90 Forrest Street Boiler Room Basement Engineering Control is to protect human health and the environment. The engineering control restricts access and eliminates exposure to CCPW-impacted groundwater and concrete in the boiler room basement. The engineering control also limits the potential for future surficial blooms of Cr^{+6} on the concrete floor, walls, and masonry staircase that could result from soil underlying and adjacent to the boiler room basement that contains Cr^{+6} at concentrations greater than the CrSCC and from soil adjacent to the boiler room basement that contains visible CCPW.

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

The HDPE liner and epoxy coating components of the 90 Forrest Street Boiler Room Basement Engineering Control are intended to function as a physical barrier that prevents direct contact with and incidental exposure to CCPW-impacted groundwater and concrete in the boiler room basement. The HDPE liner and epoxy coating components will also prevent direct contact and incidental exposure to potential future surficial blooms of Cr^{+6} on the concrete floor, walls, and masonry staircase.

The drainage system component of the 90 Forrest Street Boiler Room Basement Engineering Control is intended to prevent direct contact with and incidental exposure to CCPW-impacted groundwater by directing water from the boiler room basement floor to bulk storage containers for temporary storage prior to treatment.

Exhibit C-5: Narrative Description of the Restricted Area D Engineering Control: 90 Forrest Street Alleyway Asphalt Cap

(A) Description of the engineering control:

An asphalt soil cap (observed minimum thickness of 4 inches) in the 90 Forrest Street alleyway provides a barrier to soils underlying the alleyway containing visible CCPW and Cr⁺⁶ at concentrations greater than the CrSCC and prevents future leaching of nickel in soil underlying the alleyway at concentrations greater than the IGWSRS-GAG into groundwater. The horizontal extent of the 90 Forrest Street Alleyway Asphalt Cap Engineering Control is depicted on **Exhibit B-1G**. The 90 Forrest Street Alleyway Asphalt Cap Engineering Control spans Block 21501, Lot 12 and Block 21501, Lot 14. An as-built typical section of the 90 Forrest Street Alleyway Asphalt Cap Engineering Control is shown on **Exhibit B-1H**.

(B) The objective of the engineering control:

The objective of the 90 Forrest Street Alleyway Asphalt Cap Engineering Control is to protect human health and the environment. The engineering control restricts access and eliminates exposure to soil underlying the alleyway that contains visible CCPW and/or Cr⁺⁶ at concentrations greater than the CrSCC. The engineering control also prevents potential future leaching of nickel underlying the alleyway at concentrations greater than the IGWSRS-GAG into the groundwater.

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

The 90 Forrest Street Alleyway Asphalt Cap Engineering Control is intended to function as a physical barrier that prevents direct contact with and incidental exposure to soil underlying the alleyway that contains visible CCPW and/or Cr⁺⁶ at concentrations greater than the CrSCC. The 90 Forrest Street Alleyway Asphalt Cap Engineering Control is also intended to function as a low-permeability barrier that prevents potential future leaching of nickel at concentrations in soil greater than the IGWSRS-GAG into the groundwater.

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

DEED NOTICE

IN ACCORDANCE WITH N.J.S.A. 58:10B-13, THIS DOCUMENT IS TO BE
RECORDED IN THE SAME MANNER AS ARE DEEDS AND OTHER INTERESTS IN
REAL PROPERTY.

Prepared by: _____
[Signature]

[Print name below signature]

Recorded by: _____
[Signature, Officer of County Recording Office]

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the _____ day of _____, _____, by 100 Forrest Associates, L.L.C. with an address of 2473 NW 66th Drive, Boca Raton, FL 33496 (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. 100 Forrest Associates, L.L.C. with an address of 2473 NW 66th Drive, Boca Raton, FL 33496 is the owner in fee simple of certain real property designated as Block 21501, Lot 14, on the tax map of the City of Jersey City, Hudson County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is 775706 and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. The New Jersey Department of Environmental Protection has approved this 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 City of Jersey City, and PPG and approved by the court on June 26, 2009 (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 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 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 which included the Property, and in consideration of the terms and conditions of that remedial action, and other good and valuable consideration, 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 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.

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 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 the Department of Environmental Protection on a form provided by the Department 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 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 Deed Notice Form; and

(C) A revised recorded 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 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, the notice the Owner gave to those persons prior to the disturbance.

7B. EMERGENCIES. In the event of an emergency which 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 the Department of Environmental Protection 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 the Department of Environmental Protection 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 the Department of Environmental Protection 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 DEED NOTICE.

i. This Deed Notice may be terminated only upon recording a Department-approved Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the office of the Register of Deeds and Mortgages of Hudson County, New Jersey, expressly terminating this Deed Notice.

ii. Within 30 calendar days after recording a Department-approved Termination of Deed Notice, the owner of the property should apply to the Department 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 the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this 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 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 the Department.

10. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, 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 the Department against any person who violates this Deed Notice. To enforce violations of this Deed Notice, the Department 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 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 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 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 Property, including reference to tax lot and block numbers for the Property;

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 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 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: Deed Notice as Institutional Control: Exhibit C-1 includes a narrative description of the restriction and obligations of this 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 Deed Notice;
and

(C) The objective of the restrictions.

ii. Exhibit C-2: Restricted Area A Engineering Control – High-Density Polyethylene (HDPE) Liner Overlain with Dense-Graded Aggregate (DGA) and Either an Asphalt Cap or Geosynthetic Cementitious Composite Mat (GCCM): Exhibit C-2 includes a narrative description of HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM 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.

iii. Exhibit C-3: Restricted Area B Engineering Control – 100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete Cap: Exhibit C-3 includes a narrative description of the 100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete 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.

iv. Exhibit C-4: Restricted Area C Engineering Control – HDPE Liner: Exhibit C-4 includes a narrative description of the HDPE Liner 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.

v. Exhibit C-5: Restricted Area D Engineering Control – 90 Forrest Street Alleyway Asphalt Cap: Exhibit C-5 includes a narrative description of the 90 Forrest Street Alleyway 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.

ATTEST: 100 Forrest Associates, L.L.C.

_____ By_____

[Print name and title] [Signature]

STATE OF NEW JERSEY SS.:
COUNTY OF HUDSON

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 _____ of 100 Forrest Associates, L.L.C, 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]

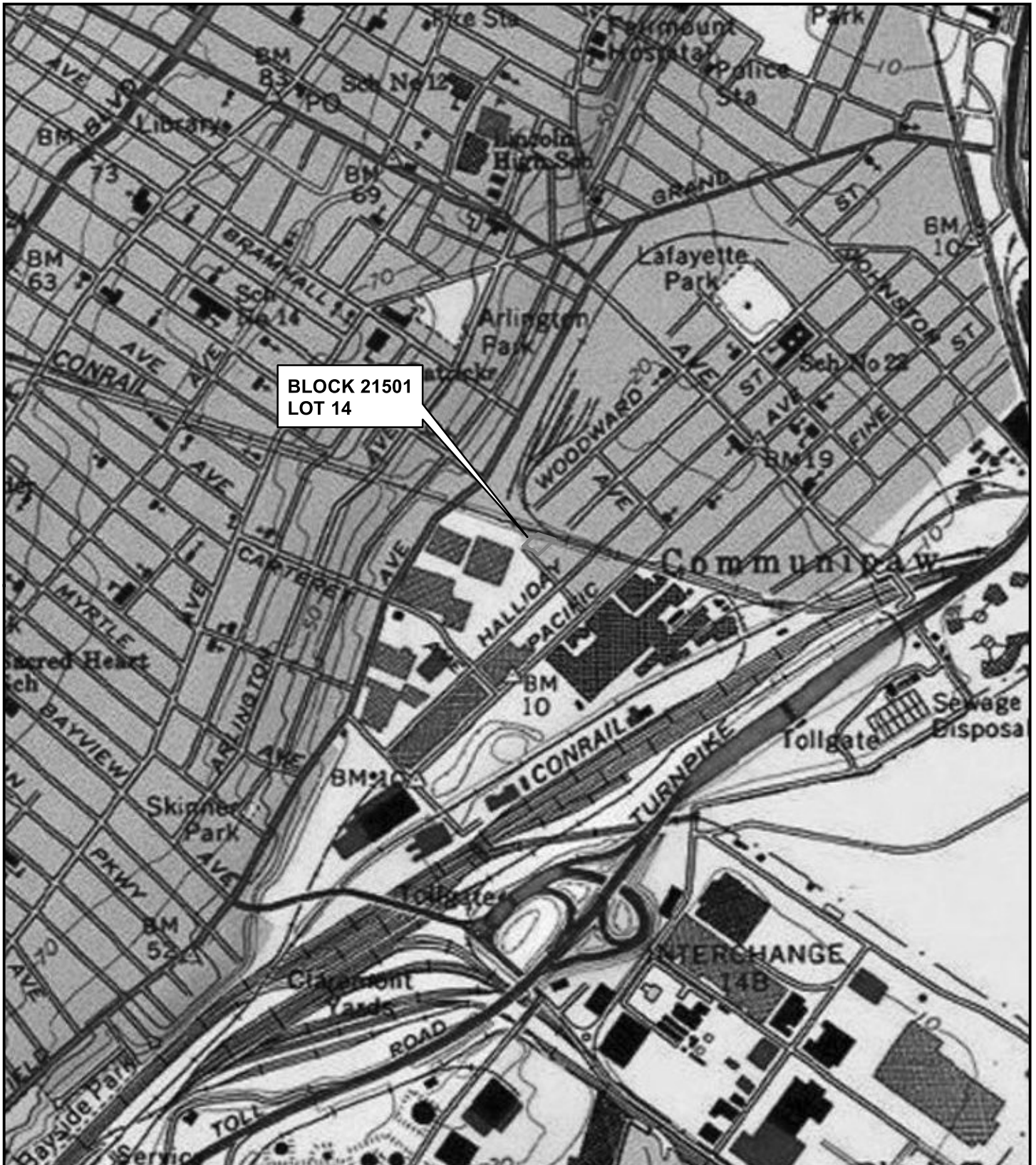
EXHIBIT A

Maps of the Property and Vicinity

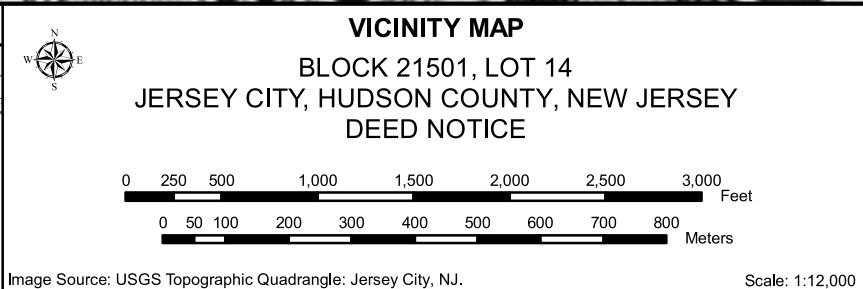
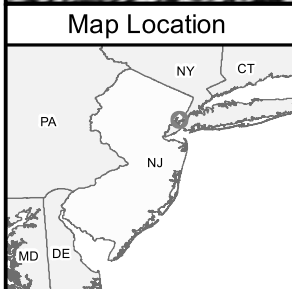
Exhibit A-1: Vicinity Map

Exhibit A-2: Metes and Bounds Description

Exhibit A-3: Property Map



BLOCK 21501
LOT 14



AECOM

Exhibit A-1

Date: 03/20/2018

Project #: 60544821

EXHIBIT A-2 Metes & Bounds Description

To be provided as part of the Final Deed Notice

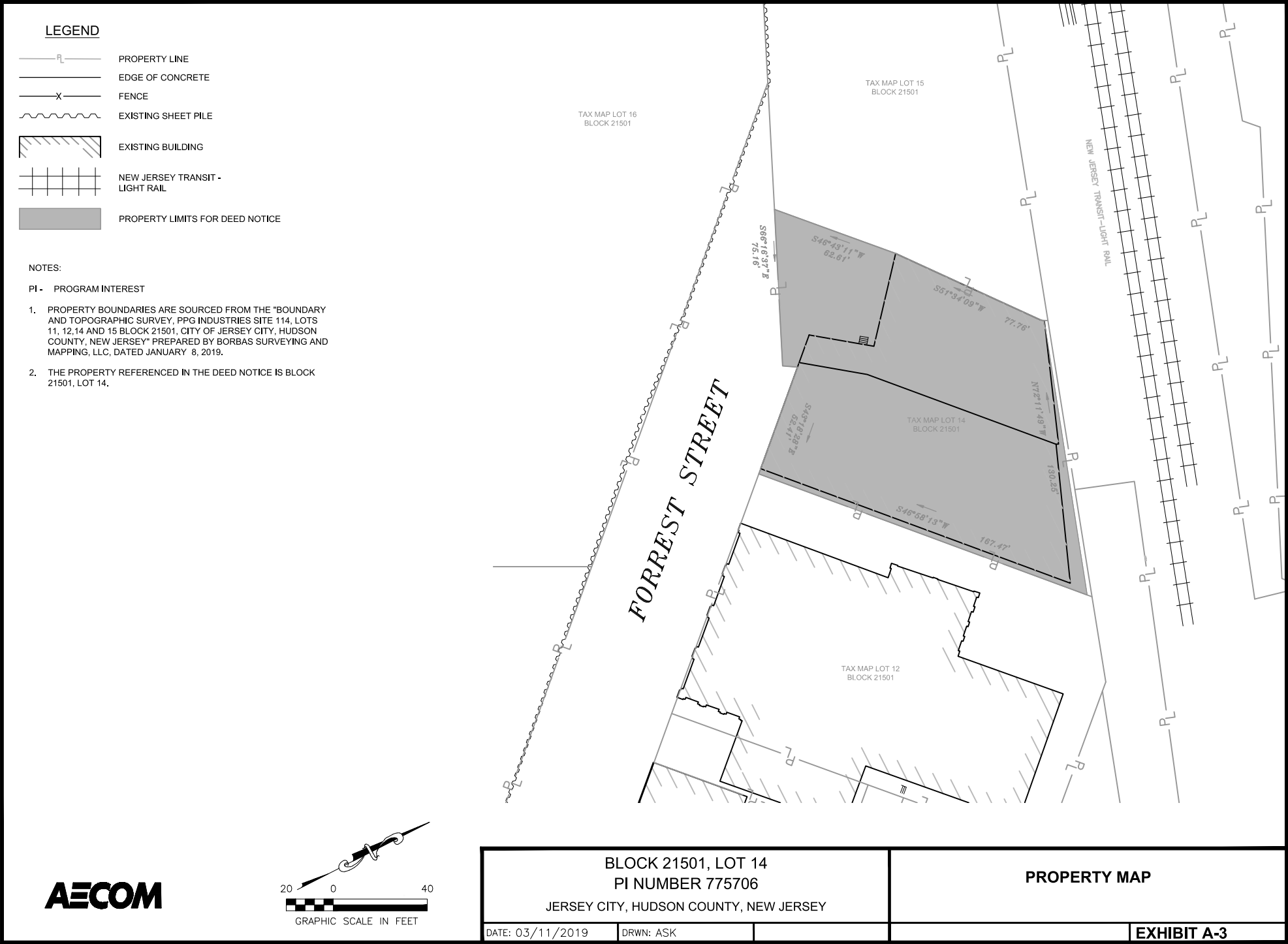


EXHIBIT B

Description of Restricted Areas

Exhibit B-1A: Restricted Area Map – Restricted Area A – HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM

Exhibit B-1B: Engineering Control – As-Built Typical Section – Restricted Area A – HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM

Exhibit B-1C: Restricted Area Map – Restricted Area B – 100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete Cap

Exhibit B-1D: Engineering Controls – As-Built Typical Sections – Restricted Area B – 100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete Cap

Exhibit B-1E: Restricted Area Map – Restricted Area C – HDPE Liner

Exhibit B-1F: Engineering Control – As-Built Typical Section – Restricted Area C – HDPE Liner

Exhibit B-1G: Restricted Area Map – Restricted Area D – 98/100 Forrest Street Existing Concrete Cap

Exhibit B-1H: Engineering Control – As-Built Typical Section – Restricted Area D – 98/100 Forrest Street Existing Concrete Cap

Exhibit B-1I: Restricted Area Map – Restricted Area E – 90 Forrest Street Alleyway Asphalt Cap

Exhibit B-1J: Engineering Control – As-Built Typical Section – Restricted Area E – 90 Forrest Street Alleyway Asphalt Cap

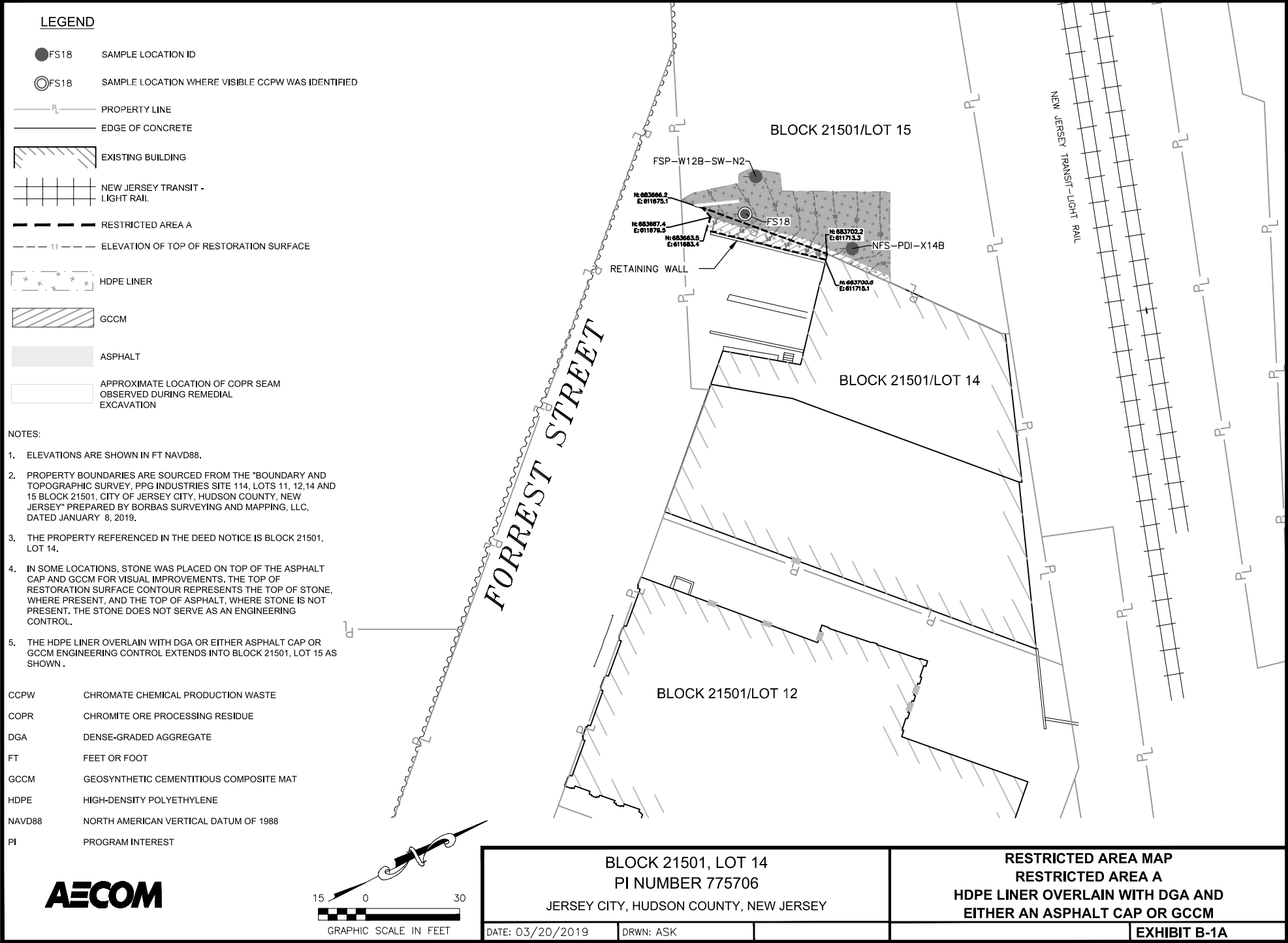
Exhibit B-2A: Restricted Area Data Table – Restricted Area A – HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM

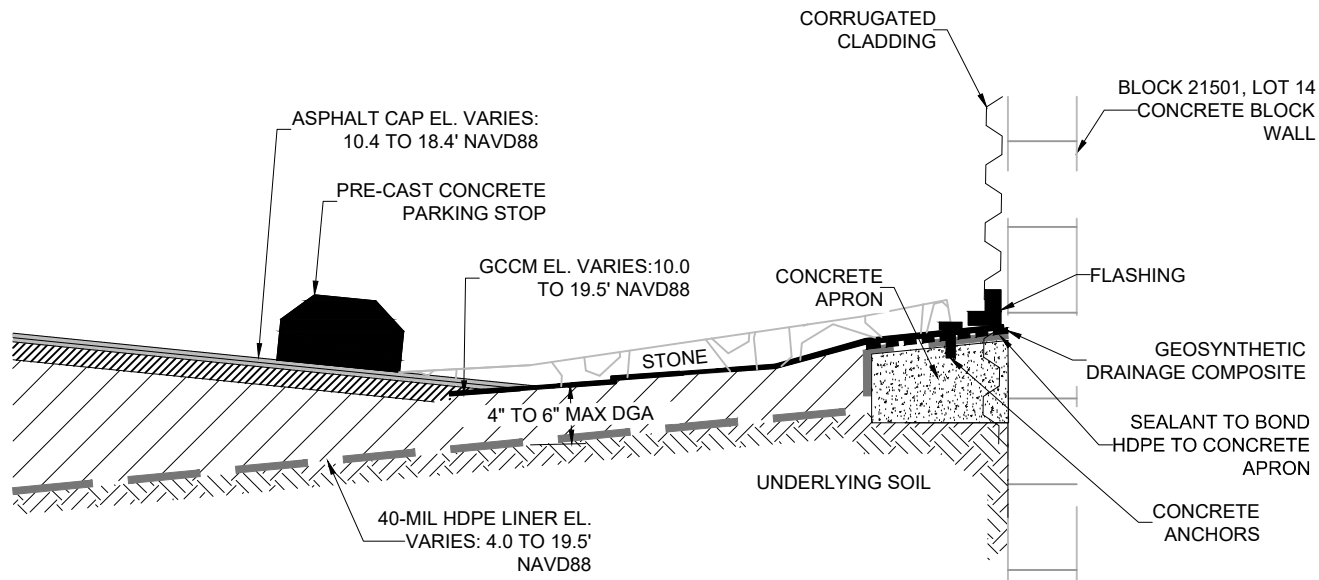
Exhibit B-2B: Restricted Area Data Table – Restricted Area B – 100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete Cap

Exhibit B-2C: Restricted Area Data Table – Restricted Area C – HDPE Liner

Exhibit B-2D: Restricted Area Data Table – Restricted Area D – 98/100 Forrest Street Existing Concrete Cap

Exhibit B-2E: Restricted Area Data Table – Restricted Area E – 90 Forrest Street Alleyway Asphalt Cap





1 HDPE LINER OVERLAIN WITH DGA AND EITHER AN ASPHALT CAP OR GCCM NTS

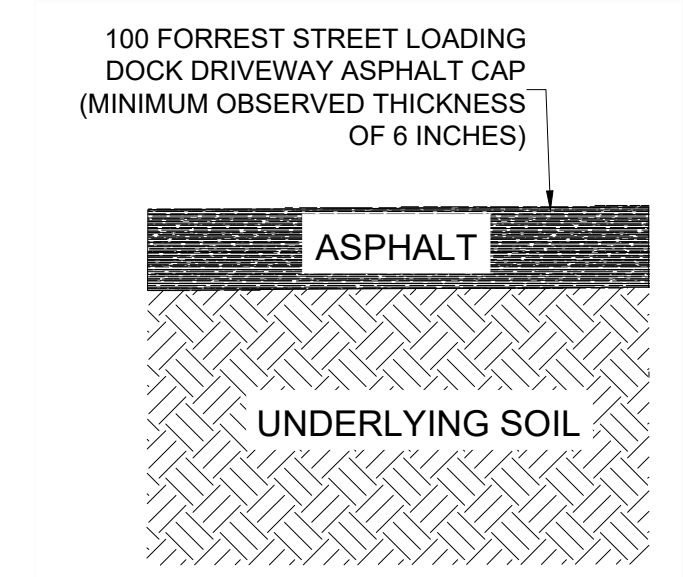
NOTES:

1. IN SOME LOCATIONS, STONE WAS PLACED ON TOP OF THE ASPHALT CAP AND GCCM FOR VISUAL IMPROVEMENTS. THE STONE DOES NOT SERVE AS AN ENGINEERING CONTROL.
2. ELEVATIONS LISTED REPRESENT ELEVATION RANGES ON BOTH BLOCK 21501, LOT 14 AND BLOCK 21501, LOT 15.

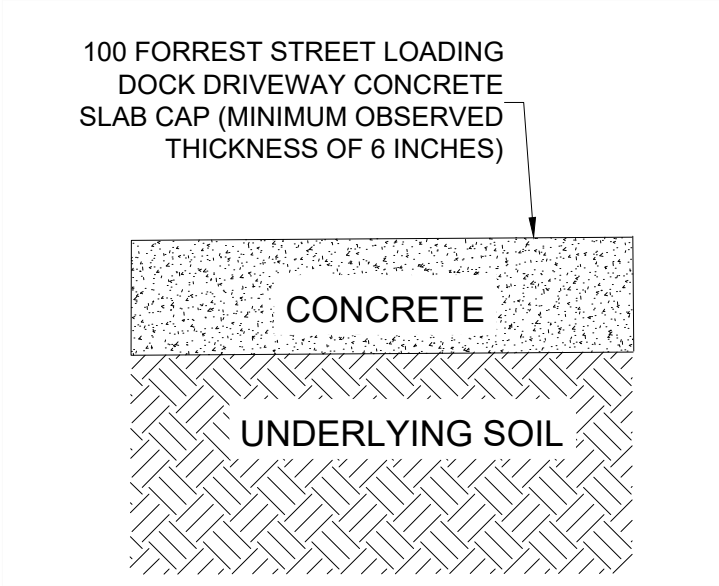
DGA DENSE-GRADED AGGREGATE
EL. ELEVATION
GCCM GEOSYNTHETIC CEMENTITIOUS COMPOSITE MAT
HDPE HIGH-DENSITY POLYETHYLENE
MAX MAXIMUM
NAVD88 NORTH AMERICAN VERTICAL DATUM OF 1988
NTS NOT TO SCALE
PI PROGRAM INTEREST



BLOCK 21501, LOT 14 PI NUMBER 775706 JERSEY CITY, HUDSON COUNTY, NEW JERSEY			ENGINEERING CONTROL AS-BUILT TYPICAL SECTION/RESTRICTED AREA A HDPE LINER OVERLAIN WITH DGA AND EITHER AN ASPHALT CAP OR GCCM	
DATE: 07/23/2019	DRWN: ASK, ALC		EXHIBIT B-1B	



1 100 FORREST STREET LOADING DOCK - DRIVEWAY ASPHALT CAP
NTS

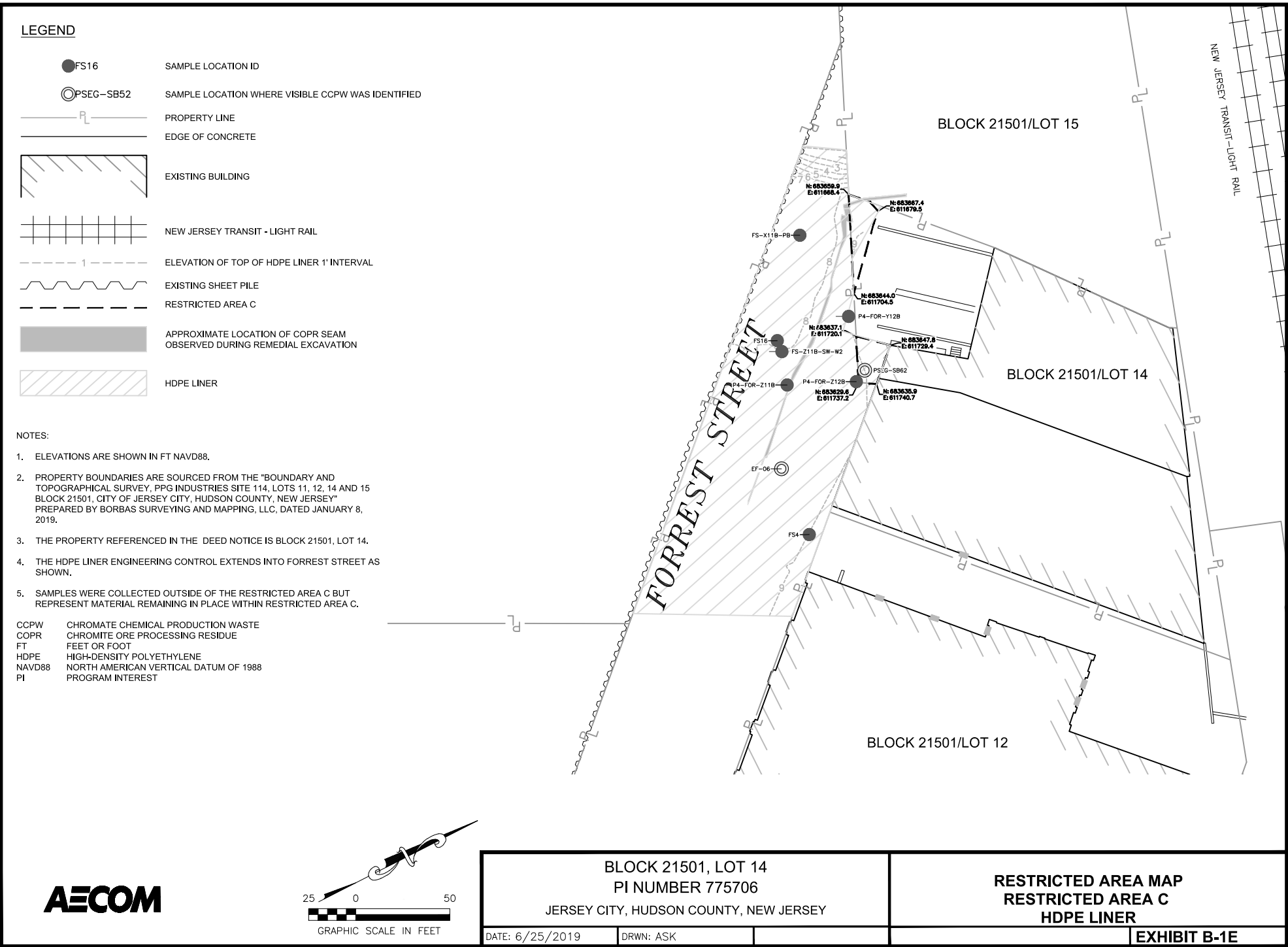


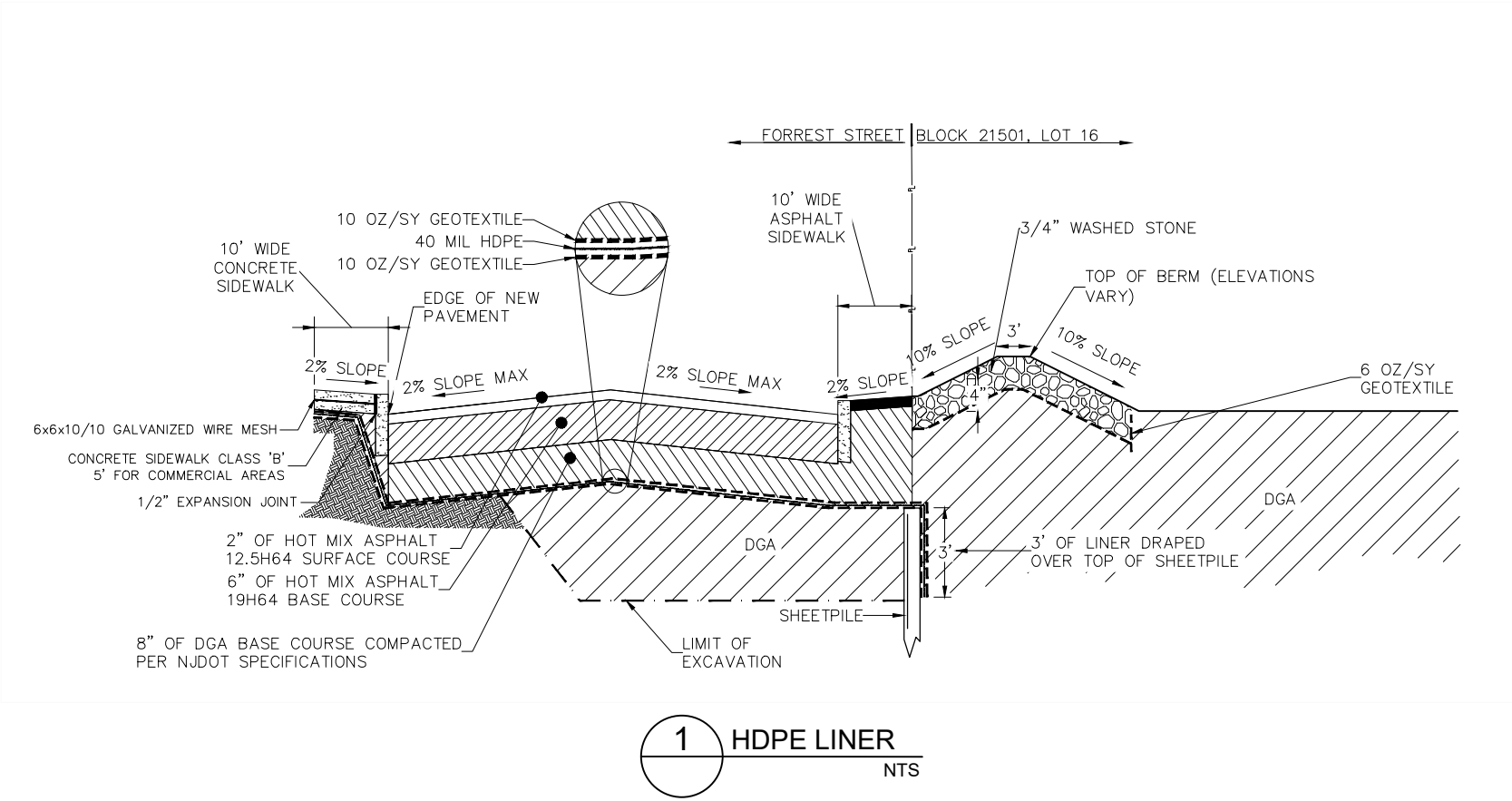
2 100 FORREST STREET LOADING DOCK - DRIVEWAY CONCRETE CAP
NTS

NOTES:
NTS NOT TO SCALE
PI PROGRAM INTEREST



BLOCK 21501, LOT 14 PI NUMBER 775706 JERSEY CITY, HUDSON COUNTY, NEW JERSEY			ENGINEERING CONTROLS AS-BUILT TYPICAL SECTIONS/RESTRICTED AREA B 100 FORREST STREET LOADING DOCK DRIVEWAY EXISTING ASPHALT AND CONCRETE CAP	
DATE: 11/07/2019	DRWN: ASK, ALC		EXHIBIT B-1D	





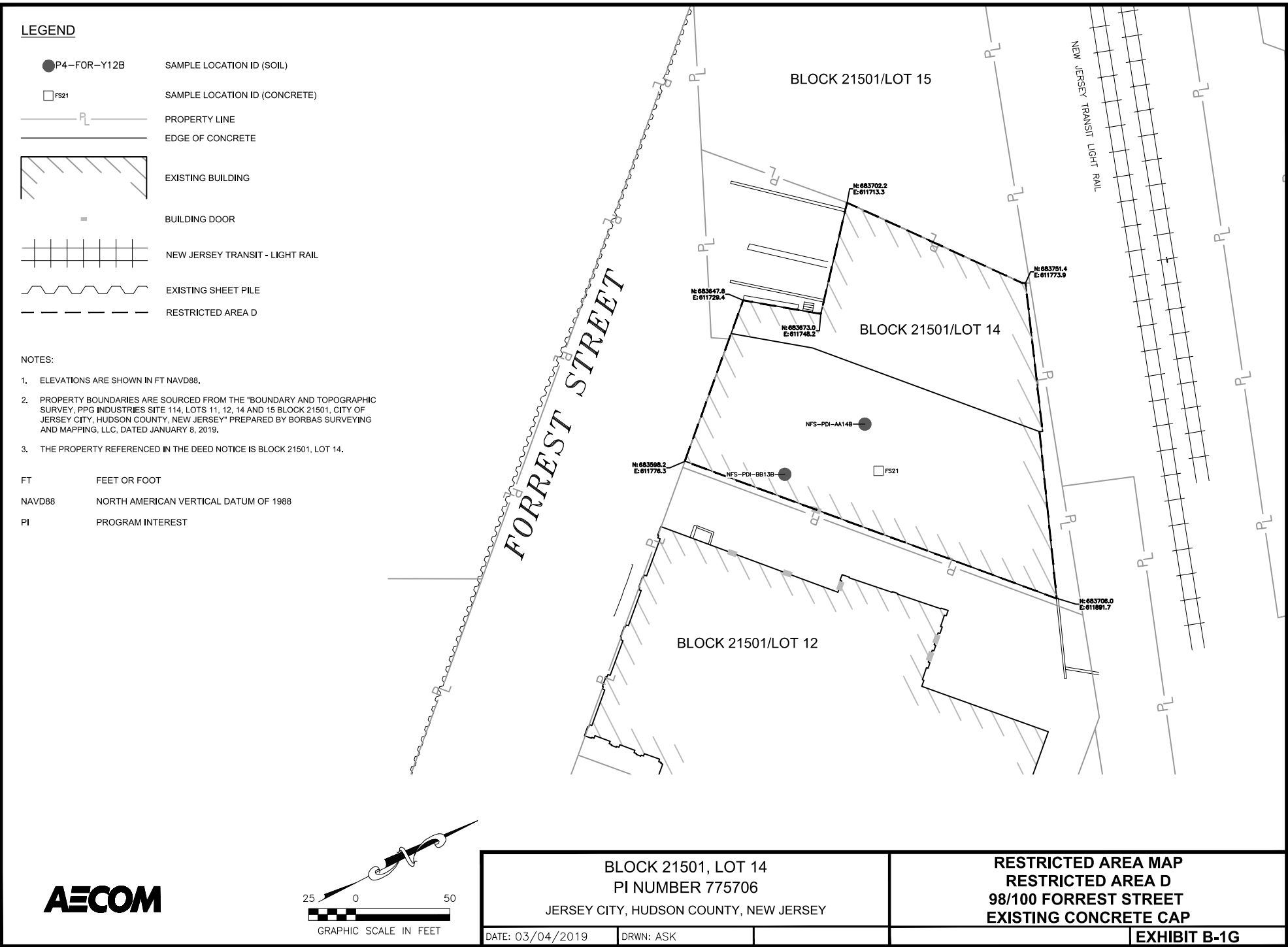
NOTES:

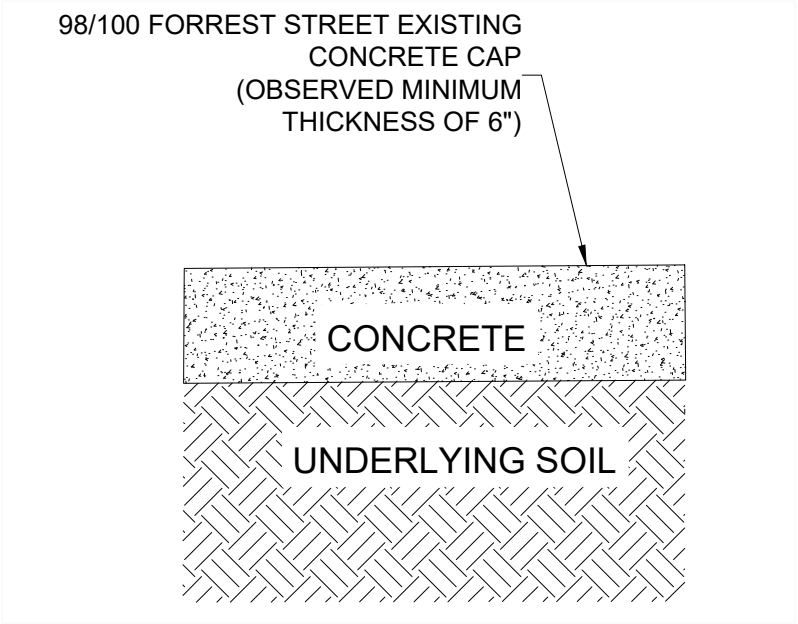
1. THE HDPE LINER SERVES AS AN ENGINEERING CONTROL.
THE ADDITIONAL COMPONENTS SHOWN HERE WERE
INSTALLED FOR RESTORATION PURPOSES.

DGA DENSE-GRADED AGGREGATE
HDPE HIGH-DENSITY POLYETHYLENE
NJDOT NEW JERSEY DEPARTMENT OF TRANSPORTATION
NTS NOT TO SCALE
OZ/SY OUNCE PER SQUARE YARD
PI PROGRAM INTEREST

AECOM

BLOCK 21501, LOT 14 PI NUMBER 775706 JERSEY CITY, HUDSON COUNTY, NEW JERSEY			ENGINEERING CONTROL AS-BUILT TYPICAL SECTION RESTRICTED AREA C HDPE LINER	
DATE: 03/04/2019	DRWN: ASK			EXHIBIT B-1F





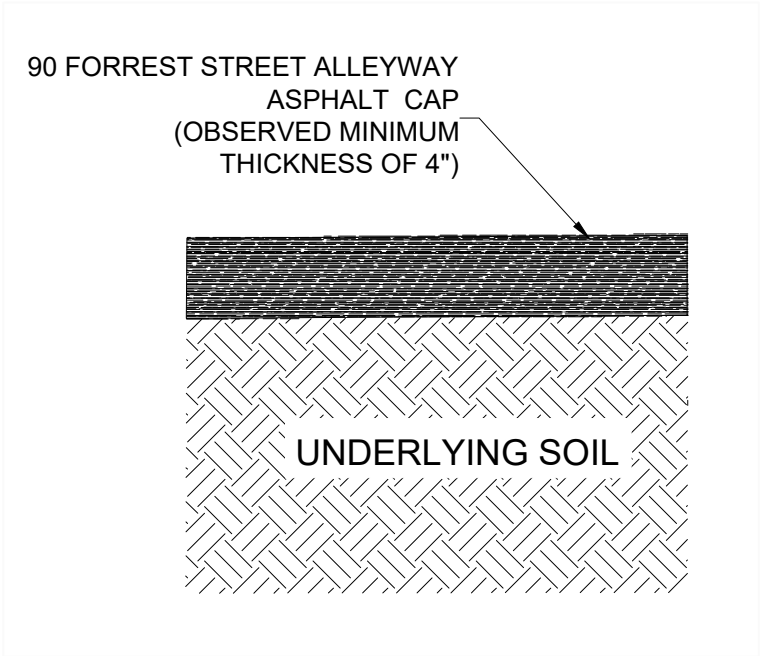
1 98/100 FORREST STREET BUILDING EXISTING CONCRETE CAP
NTS

NOTES:

NTS NOT TO SCALE
PI PROGRAM INTEREST



BLOCK 21501, LOT 14 PI NUMBER 775706 JERSEY CITY, HUDSON COUNTY, NEW JERSEY			ENGINEERING CONTROL AS-BUILT TYPICAL SECTION/RESTRICTED AREA D 98/100 FORREST STREET EXISTING CONCRETE CAP	
DATE: 03/04/2019	DRWN: ASK			EXHIBIT B-1H



3 90 FORREST STREET ALLEYWAY ASPHALT CAP
NTS

NOTES:
MIN MINIMUM
NTS NOT TO SCALE
PI PROGRAM INTEREST



BLOCK 21501, LOT 14 PI NUMBER 775706 JERSEY CITY, HUDSON COUNTY, NEW JERSEY			ENGINEERING CONTROL AS-BUILT TYPICAL SECTION RESTRICTED AREA E 90 FORREST STREET ALLEYWAY ASPHALT CAP	
DATE: 03/04/2019	DRWN: ASK			EXHIBIT B-1J

Exhibit B-2A
Restricted Area Data Table - Restricted Area A
HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM
Block 21501, Lot 14
Jersey City, Hudson County, New Jersey

					Analyte CAS RN CrSCC Units	CHROMIUM (HEXAVALENT) 18540-29-9 20 mg/kg
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Elevation Interval (ft NAVD88)	Date Collected	Result	Qualifier
FSP-W12B-SW-N2	FSP-W12B-SW-N-3.5-4.0*	3.5 to 4.0	6.4 to 5.9	06/30/2017	28.6	RA
FS18	FS18-2.0-2.5*	2.0 to 2.5	9.6 to 9.1	03/17/2014	48.1	
FS18	FS18-4.0-4.5*	4.0 to 4.5	7.6 to 7.1	03/17/2014	20.2	
FS18	FS18-4.0-4.5X*	4.0 to 4.5	7.6 to 7.1	03/17/2014	24.2	
NFS-PDI-X14B	NFS-PDI-X14B-6.0-6.5*	6.0 to 6.5	11.5 to 11	08/29/2016	25.8	J
NFS-PDI-X14B	NFS-PDI-X14B-8.0-8.5*	8.0 to 8.5	9.5 to 9.0	08/29/2016	27.5	J
NFS-PDI-X14B	NFS-PDI-X14B-10.0-10.5*	10.0 to 10.5	7.5 to 7.0	08/29/2016	76.6	J
NFS-PDI-X14B	NFS-PDI-X14B-12.0-12.5*	12.0 to 12.5	5.5 to 5.0	08/29/2016	36.6	J

Exhibit B-2A
Restricted Area Data Table - Restricted Area A
HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM
Block 21501, Lot 14
Jersey City, Hudson County, New Jersey

Notes:

*These samples were collected outside the boundary of Restricted Area A but may represent material remaining in place within Restricted Area A.

A COPR seam, as shown on Exhibit B-1A, was identified during excavation activities approximately 1.2 to 1.7 ft bgs (Elevation 8.7 to 8.2 ft NAVD88). Material was removed during restoration activities, but COPR may remain in place within Restricted Area A.

Visible CCPW was encountered in boring FS18 from 1.8 to 2.5 ft bgs (Elevation 9.8 to 9.1 ft NAVD88) and remains in place.

bgs - below ground surface

CAS RN - Chemical Abstracts Service Registry Number

CCPW - Chromate Chemical Production Waste

COPR - chromite ore processing residue

CrSCC - Chromium Soil Cleanup Criteria

DGA - dense-graded aggregate

ft - feet

GCCM - geosynthetic cementitious composite mat

HDPE - High-Density Polyethylene

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

mg/kg - milligrams per kilogram

NAVD88 - North American Vertical Datum of 1988

RA - Indicates that the result for this analyte has been rejected, but is useable.

Bold result indicates a result that exceeded the CrSCC.

Exhibit B-2B
Restricted Area Data Table - Restricted Area B
100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete Cap
Block 21501, Lot 14
Jersey City, Hudson County, New Jersey

					Analyte CAS RN CrSCC Units		CHROMIUM (HEXAVALENT) 18540-29-9 20 mg/kg
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Elevation Interval (ft NAVD88)	Date Collected	Result	Qualifier	
P4-FOR-Y12B	P4-FOR-Y12B-0.5-1.0*	0.5 to 1.0	9.9 to 9.4	06/23/2016	36.3	J	

Exhibit B-2B
Restricted Area Data Table - Restricted Area B
100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete Cap
Block 21501, Lot 14
Jersey City, Hudson County, New Jersey

*This sample was collected outside the boundary of Restricted Area B but may represent material remaining in place within Restricted Area B.

bgs - below ground surface

CAS RN - Chemical Abstracts Service Registry Number

CrSCC - Chromium Soil Cleanup Criteria

ft - feet

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

mg/kg - milligrams per kilogram

NAVD88 - North American Vertical Datum of 1988

Bold result indicates a hexavalent chromium result that exceeded the CrSCC.

Exhibit B-2C
Restricted Area Data Table - Restricted Area C
HDPE Liner
Block 21501, Lot 14
Jersey City, Hudson County, New Jersey

					Analyte CAS RN CrSCC RDCSRS-GAG NRDCSRS Units	CHROMIUM (HEXAVALENT) 18540-29-9 20 N/A N/A mg/kg	VANADIUM 7440-62-2 N/A 390 1100 mg/kg
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Elevation Interval (ft NAVD88)	Date Collected			
FS16	FS16-5.0-5.5*	5.0 - 5.5	5.1 to 4.6	04/02/2014			598
FS4	FS4-1.0-1.5*	1.0 - 1.5	9.1 to 8.6	03/21/2014	24.0	J	
FS-Z11B-SW-W2	FS-Z11B-SW-W-3.0-3.5*	3.0 - 3.5	6.9 to 6.4	07/01/2017	32.3	J	
P4-FOR-Y12B	P4-FOR-Y12B-0.5-1.0*	0.5 - 1.0	9.9 to 9.4	06/23/2016	36.3	J	
P4-FOR-Z11B	P4-FOR-Z11B-4.0-4.5*	4.0 - 4.5	6.0 to 5.5	06/17/2016	25.5	J	
P4-FOR-Z12B	P4-FOR-Z12B-3.0-3.5*	3.0 - 3.5	6.7 to 6.2	06/20/2016	28.9	J	

Exhibit B-2C
Restricted Area Data Table - Restricted Area C
HDPE Liner
Block 21501, Lot 14
Jersey City, Hudson County, New Jersey

Notes:

*This sample was collected outside the boundary of Restricted Area C but may represent material remaining in place within Restricted Area C.

A COPR seam, as shown on Exhibit B-1E, was identified during excavation activities approximately 0.8 to 2.0 ft bgs. Material was removed during restoration activities, but COPR may remain in place within Restricted Area C.

Visible CCPW was encountered and remains in place in boring PSEG-SB62 from 0.3 to 5.0 ft bgs (Elevation 9.7 to 5.0 ft NAVD88). Visible CCPW was encountered in boring EF-06 from 0.5 to 5.0 ft bgs (Elevation 9.3 to 5.3 ft NAVD88) and remains in place from 2.0 to 5.0 ft bgs (Elevation 8.3 to 5.3 ft NAVD88).

bgs - below ground surface

CAS RN - Chemical Abstracts Service Registry Number

CCPW - Chromate Chemical Production Waste

COPR - Chromite Ore Processing Residue

CrSCC - Chromium Soil Cleanup Criteria

ft - feet

HDPE - high-density polyethylene

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

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-GAG - Residential Direct Contact Soil Remediation Standard - Garfield Avenue Group (alternative remediation standard approved by the NJDEP on December 28, 2016).

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

Bold result indicates a hexavalent chromium result that exceeded the CrSCC or a vanadium result that exceeded the RDCSRS-GAG.

Exhibit B-2D
Restricted Area Data Table - Restricted Area D
98/100 Forrest Street Existing Concrete Cap
Block 21501, Lot 14
Jersey City, Hudson County, New Jersey

						Analyte CAS RN CrSCC Units	CHROMIUM (HEXAVALENT) 18540-29-9 20 mg/kg
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Elevation Interval (ft NAVD88)	Sample Type	Date Collected	Result	Qualifier
FS-21	FS21-CT	0.0 to 0.3	10.4 to 10.1	Concrete Core	06/04/2015	323	
NFS-PDI-AA14B	NFS-PDI-AA14B-2.5-3.0	2.5 to 3.0	7.8 to 7.3	Soil	09/19/2016	37.4	J
NFS-PDI-AA14B	NFS-PDI-AA14B-2.5-3.0X	2.5 to 3.0	7.8 to 7.3	Soil	09/19/2016	23.0	J
NFS-PDI-BB13B	NFS-PDI-BB13B-4.7-5.2	4.7 to 5.2	6.0 to 5.5	Soil	09/16/2016	34.9	J

Exhibit B-2D
Restricted Area Data Table - Restricted Area D
98/100 Forrest Street Existing Concrete Cap
Block 21501, Lot 14
Jersey City, Hudson County, New Jersey

Notes:

bgs - below ground surface

CAS RN - Chemical Abstracts Service Registry Number

Cr - chromium

CrSCC - Chromium Soil Cleanup Criteria

ft - feet

mg/kg - milligrams per kilogram

NAVD88 - North American Vertical Datum of 1988

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

There are no Cr cleanup criteria or remediation standards for concrete, so concrete results are being compared to the CrSCC.

Bold result indicates a hexavalent chromium result that exceeded the CrSCC.

Exhibit B-2E
Restricted Area Data Table - Restricted Area E
90 Forrest Street Alleyway Asphalt Cap
Block 21501, Lot 14
Jersey City, Hudson County, New Jersey

					Analyte CAS RN Units CrSCC IGWSRS-GAG	CHROMIUM (HEXAVALENT) 18540-29-9 mg/kg 20 N/A	NICKEL 7440-02-0 mg/kg N/A 170	
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Elevation Interval (ft NAVD88)	Date Collected	Result	Qualifier		
EF-112	EF-B112-1.0-1.5*	1.0 to 1.5	9.4 to 8.9	09/12/2012	66.8	J		
EF-112A	EF-112A-2.0-2.5*	2.0 to 2.5	8.5 to 8.0	03/12/2014	25.6		316	
FS6	FS6-0.0-0.5*	0.0 to 0.5	10.3 to 9.8	02/24/2014	31.4		299	
FS6	FS6-2.0-2.5*	2.0 to 2.5	8.3 to 7.8	02/24/2014			280	
EF-57/ICO-22	ICO-B22-0.5*	0.5 to 1.0	10.2 to 9.7	06/03/2011	29.9			
NFS-PDI-CC13B	NFS-PDI-CC13B-2.0-2.5*	2.0 to 2.5	8.7 to 8.2	09/14/2016	21.4			
FS10	FS10-2.0-2.5*	2.0 to 2.5	8.6 to 8.1	03/04/2014	21.0	J		
FS10	FS10-2.0-2.5X*	2.0 to 2.5	8.6 to 8.1	03/04/2014	26.3	J		
FS9	FS9-2.0-2.5*	2.0 to 2.5	8.7 to 8.2	03/05/2014	32.3	J		
FS9	FS9-2.0-2.5X*	2.0 to 2.5	8.7 to 8.2	03/05/2014	37.5	J		
NFS-PDI-CC15B	NFS-PDI-CC15B-0.2-0.7*	0.2 to 0.7	10.5 to 10.0	09/14/2016	24.1	J		

Exhibit B-2E
Restricted Area Data Table - Restricted Area E
90 Forrest Street Alleyway Asphalt Cap
Block 21501, Lot 14
Jersey City, Hudson County, New Jersey

Notes:

*This sample was collected outside the boundary of Restricted Area E but may represent material remaining in place within Restricted Area E .

Visible CCPW was encountered in the following borings: EF-112 from 0.3 to 1.5 ft bgs (El. 10.1 to 8.9 ft NAVD88), EF-112A from 2.0 to 2.3 ft bgs (El. 8.5 to 8.2 ft NAVD88), FS6 from 0.3 to 3.0 ft bgs (El. 10.0 to 7.3 ft NAVD88), EF-57/ICO-22 from 0.7 to 1.0 ft bgs (El. 10.0 to 9.7 ft NAVD88), and 114-MW25B from 0.0 to 3.0 ft bgs (El. 10.3 to 7.3 ft NAVD88).

bgs - below ground surface

CAS RN - Chemical Abstracts Service Registry Number

CCPW - Chromate Chemical Production Waste

CrSCC - Interim Chromium Soil Cleanup Criteria

El. - elevation

ft - feet

IGWSRS-GAG - Impact to Groundwater Soil Remediation Standard - Garfield Avenue Group (site-specific alternative remediation standard as proposed in the Supplemental Soil Remedial Investigation Report, Final Revision 1, dated 08/30/18 and approved by NJDEP on 10/22/18)

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

mg/kg - milligrams per kilogram

N/A - not applicable

NAVD88 - North American Vertical Datum of 1988

NJDEP - New Jersey Department of Environmental Protection

Blank result indicates that the analyte concentration did not exceed the CrSCC and/or IGWSRS-GAG.

Bold result indicates a hexavalent chromium result that exceeded the CrSCC.

Underlined result indicates result in the unsaturated zone exceeded the IGWSRS-GAG. The groundwater elevation (above which is the unsaturated zone) on this property was estimated as the 50th percentile groundwater elevation from ten monitoring wells gauged between February 2007 and December 2016. The estimated groundwater elevation is El. 6.1 ft NAVD88.

EXHIBIT C

Narrative descriptions of the institutional controls and engineering controls

Exhibit C-1: Deed Notice as Institutional Control

Exhibit C-2: Narrative Description of the Restricted Area A Engineering Control: HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM

Exhibit C-3: Narrative Description of the Restricted Area B Engineering Control: 100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete Cap

Exhibit C-4: Narrative Description of the Restricted Area C Engineering Control: HDPE Liner

Exhibit C-5: Narrative Description of the Restricted Area D Engineering Control: 98/100 Forrest Street Existing Concrete Cap

Exhibit C-6: Narrative Description of the Restricted Area E Engineering Control: 90 Forrest Street Alleyway Asphalt Cap

EXHIBIT C

Narrative descriptions of the institutional and engineering controls

Exhibit C-1: Deed Notice as Institutional Control

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

This deed notice is for soil (Soil Restricted Area A, Restricted Area B, Restricted Area C, Restricted Area D, and Restricted Area E), located at Block 21510, Lot 14 in Jersey City, New Jersey, as depicted on **Exhibits B-1A, B-1C, B-1E, B-1G, and B-1I**.

In Restricted Area A, the contaminants of concern are visible Chromate Chemical Production Waste (CCPW) and hexavalent chromium (Cr^{+6}). The estimated size of the Soil Restricted Area A is 257 square feet (ft^2) (0.006 acres).

In Restricted Area B, the contaminant of concern is Cr^{+6} . The estimated size of the Soil Restricted Area B is 2140 ft^2 (0.05 acres).

In Restricted Area C, the contaminants of concern are visible CCPW and Cr^{+6} . The estimated size of the Soil Restricted Area C is 359 ft^2 (0.008 acres). Note that although vanadium is present within adjacent Forrest Street at concentrations greater than the Non-Residential Direct Contact Soil Remediation Standards (NRDCSRS), it is not believed to be present on Block 21501, Lot 14 Restricted Area C based on clean delineation samples collected from location P4-FOR-Y12B.

In Restricted Area D, the contaminant of concern is Cr^{+6} . The estimated size of the Soil Restricted Area D is 13,833 ft^2 (0.32 acres).

In Restricted Area E, the contaminants of concern are Cr^{+6} , visible CCPW, and nickel. The estimated size of the Soil Restricted Area E is 406 ft^2 (0.009 acres).

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

The restrictions included in this Deed Notice minimize exposure to the contaminants of concern identified in **Exhibit C-1(A)**, which include visible CCPW, Cr^{+6} at concentrations greater than the Chromium Soil Cleanup Criteria (CrSCC), and vanadium at concentrations greater than the unrestricted use standard. Through the use of this 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 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 contaminants of concern at concentrations greater than the CrSCC or unrestricted use standards.

Exhibit C-2: Narrative Description of the Restricted Area A Engineering Control: HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM

(A) Description of the engineering control:

Following excavation, the ground surface was graded and compacted. A 40-mil thick high-density polyethylene (HDPE) liner was placed on top of the prepared surface and the liner was sealed to the existing concrete apron of the building on Block 21501, Lot 14. Following installation of the HDPE liner, the HDPE liner was overlain with dense-graded aggregate (DGA) backfill material, except where the HDPE liner was placed on the concrete apron. Where placed on the concrete apron, the HDPE liner was covered with a geosynthetic drainage composite that was then covered with a geosynthetic cementitious composite mat (GCCM). The GCCM is intended to mitigate surface water runoff leakage through the wall of the adjacent building. Where the GCCM was not placed, asphalt was placed on top of the DGA. The horizontal extent of the HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM Engineering Control is depicted on **Exhibit B-1A**. The HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM Engineering Control spans Block 21501, Lot 14 and Block 21501, Lot 15. An as-built typical section of the HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM Engineering Control is shown on **Exhibit B-1B**.

(B) The objective of the engineering control:

The objective of the HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM Engineering Control is to protect human health and the environment by restricting access and eliminating exposure to visible CCPW or soil underlying the cap that has Cr⁺⁶ at concentrations greater than the CrSCC.

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

The HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM Engineering Control is intended to function as a physical barrier that prevents direct contact with and incidental exposure to the underlying soil containing visible CCPW or Cr⁺⁶ at concentrations greater than the CrSCC.

Exhibit C-3: Narrative Description of the Restricted Area B Engineering Control: 100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete Cap

(A) Description of the engineering control:

The existing exterior asphalt (minimum observed thickness of 6 inches) and concrete slab (minimum observed thickness of 6 inches) of the 100 Forrest Street Loading Dock Driveway provides a barrier to underlying soil that may contain Cr^{+6} at concentrations greater than the CrSCC. The horizontal extent of the 100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete Cap Engineering Control is depicted on **Exhibit B-1C**. A portion of the 100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete Cap extends into the Forrest Street right-of-way. As-built typical sections of the 100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete Cap Engineering Control are shown on **Exhibit B-1D**.

(B) The objective of the engineering control:

The objective of the 100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete Cap Engineering Control is to protect human health and the environment by restricting access and eliminating exposure to underlying soil that may contain Cr^{+6} at concentrations greater than the CrSCC.

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

The 100 Forrest Street Loading Dock Driveway Existing Asphalt and Concrete 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^{+6} at concentrations greater than the CrSCC.

Exhibit C-4: Narrative Description of the Restricted Area C Engineering Control: HDPE Liner

(A) Description of the engineering control:

Following excavation throughout Forrest Street and into a portion of Block 21501, Lot 14, the ground surface was graded and compacted. A 40-mil thick HDPE liner was placed on top of the prepared surface. Along the southern boundary, the liner was draped over the top of the sheet pile. Along the northern boundary, the liner was placed to abut the buildings. The horizontal extent of the HDPE Liner is depicted on **Exhibit B-1E**. The HDPE Liner spans Block 21501, Lot 14 and the Forrest Street right-of-way. An as-built typical section of the HDPE Liner Engineering Control is shown on **Exhibit B-1F**.

(B) The objective of the engineering control:

The objectives of the HDPE Liner Engineering Control are to protect human health and the environment by restricting access and eliminating exposure to visible CCPW, Cr^{+6} at

concentrations greater than the CrSCC, and vanadium at concentrations greater than the alternative remediation standard.

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

The HDPE Liner Engineering Control is intended to function as a physical barrier that prevents direct contact with and incidental exposure to visible CCPW, Cr⁺⁶ at concentrations greater than the CrSCC, and vanadium at concentrations greater than the alternative remediation standard.

Exhibit C-5: Narrative Description of the Restricted Area D Engineering Control: 98/100 Forrest Street Existing Concrete Cap

(A) Description of the engineering control:

The existing concrete floor slab (minimum observed thickness of 6 inches) of the 98/100 Forrest Street building provides a barrier to underlying soil with Cr⁺⁶ at concentrations greater than the CrSCC. The horizontal extent of the 98/100 Forrest Street Existing Concrete Cap is depicted on **Exhibit B-1G**. An as-built typical section of the 98/100 Forrest Street Existing Concrete Cap is shown on **Exhibit B-1H**.

(B) The objective of the engineering control:

The objective of the 98/100 Forrest Street Existing Concrete Cap Engineering Control is to protect human health and the environment by restricting access and eliminating exposure to underlying soil with Cr⁺⁶ at concentrations greater than the CrSCC.

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

The 98/100 Forrest Street Existing Concrete Cap Engineering Control is intended to function as a physical barrier that prevents direct contact with and incidental exposure to the underlying soil that contains Cr⁺⁶ at concentrations greater than the CrSCC.

Exhibit C-6: Narrative Description of the Restricted Area E Engineering Control: 90 Forrest Street Alleyway Asphalt Cap

(A) Description of the engineering control:

An asphalt soil cap (minimum observed thickness of 4 inches) in the 90 Forrest Street Alleyway provides a barrier to soils underlying the alleyway containing visible CCPW and Cr^{+6} at concentrations greater than the CrSCC and to prevent future leaching of nickel in soil underlying the alleyway at concentrations greater than the Impact to Groundwater Soil Remediation Standard - Garfield Avenue Group (IGWSRS-GAG) (site-specific alternative remediation standard as proposed in the Supplemental Soil Remedial Investigation Report, Final Revision 1, dated 08/30/18 and approved by New Jersey Department of Environmental Protection [NJDEP] on 10/22/18) into groundwater. The horizontal extent of the 90 Forrest Street Alleyway Asphalt Cap Engineering Control is depicted on **Exhibit B-1I**. The 90 Forrest Street Alleyway Asphalt Cap spans Block 21501, Lot 12 and Block 21501, Lot 14. An as-built typical section of the 90 Forrest Street Alleyway Asphalt Cap Engineering Control is shown on **Exhibit B-1J**.

(B) The objective of the engineering control:

The objective of the 90 Forrest Street Alleyway Asphalt Cap Engineering Control is to protect human health and the environment by restricting access and eliminating exposure to soil underlying the alleyway that contains visible CCPW and Cr^{+6} at concentrations greater than the CrSCC and to prevent potential future leaching of nickel underlying the alleyway at concentrations greater than the site-specific IGWSRS-GAG into the groundwater.

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

The 90 Forrest Street Alleyway Asphalt Cap Engineering Control is intended to function as a physical barrier that prevents direct contact with and incidental exposure to soil underlying the alleyway that contains visible CCPW and Cr^{+6} at concentrations greater than the CrSCC. The 90 Forrest Street Alleyway Asphalt Cap Engineering Control is also intended to function as a low-permeability barrier that prevents potential future leaching of nickel at concentrations in soil greater than the IGWSRS-GAG into the groundwater.

Return Address:
Dorothy Laguzza, Esq.,
K&L Gates LLP,
One Newark Center, Tenth Floor
Newark, New Jersey 07102

DEED NOTICE

IN ACCORDANCE WITH N.J.S.A. 58:10B-13, THIS DOCUMENT IS TO BE
RECORDED IN THE SAME MANNER AS ARE DEEDS AND OTHER INTERESTS IN
REAL PROPERTY.

Prepared by: _____
[Signature]

[Print name below signature]

Recorded by: _____
[Signature, Officer of County Recording Office]

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the ____ day of ____, ____, by 100 Forrest Associates, L.L.C. with an address of 2473 NW 66th Drive, Boca Raton, FL 33496 (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. 100 Forrest Associates, L.L.C. with an address of is 2473 NW 66th Drive, Boca Raton, FL 33496 is the owner in fee simple of certain real property designated as Block 21501, Lot 15, on the tax map of the City of Jersey City, Hudson County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is 775706 and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. The New Jersey Department of Environmental Protection has approved this 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 City of Jersey City, and PPG and approved by the court on June 26, 2009 (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 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 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 which included the Property, and in consideration of the terms and conditions of that remedial action, and other good and valuable consideration, 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 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.

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 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 the Department of Environmental Protection on a form provided by the Department 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 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 Deed Notice Form; and

(C) A revised recorded 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 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, the notice the Owner gave to those persons prior to the disturbance.

7B. EMERGENCIES. In the event of an emergency which 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 the Department of Environmental Protection 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 the Department of Environmental Protection 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 the Department of Environmental Protection 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 DEED NOTICE.

i. This Deed Notice may be terminated only upon recording a Department-approved Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the office of the Register of Deeds and Mortgages of Hudson County, New Jersey, expressly terminating this Deed Notice.

ii. Within 30 calendar days after recording a Department-approved Termination of Deed Notice, the owner of the property should apply to the Department 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 the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this 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 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 the Department.

10. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, 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 the Department against any person who violates this Deed Notice. To enforce violations of this Deed Notice, the Department 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 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 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 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 Property, including reference to tax lot and block numbers for the Property;

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 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 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: Deed Notice as Institutional Control: Exhibit C-1 includes a narrative description of the restriction and obligations of this 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 Deed Notice;
and

(C) The objective of the restrictions.

iii. Exhibit C-2: Restricted Area A Engineering Control – High-Density Polyethylene (HDPE) Liner Overlain with Dense-Graded Aggregate (DGA) and Either an Asphalt Cap or Geosynthetic Cementitious Composite Mat (GCCM): Exhibit C-2 includes a narrative description of the HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM 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.

ATTEST: 100 Forrest Associates, L.L.C.

_____ By _____

[Print name and title] [Signature]

STATE OF NEW JERSEY SS.:
COUNTY OF HUDSON

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 _____ of 100 Forrest Associates, L.L.C, 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]

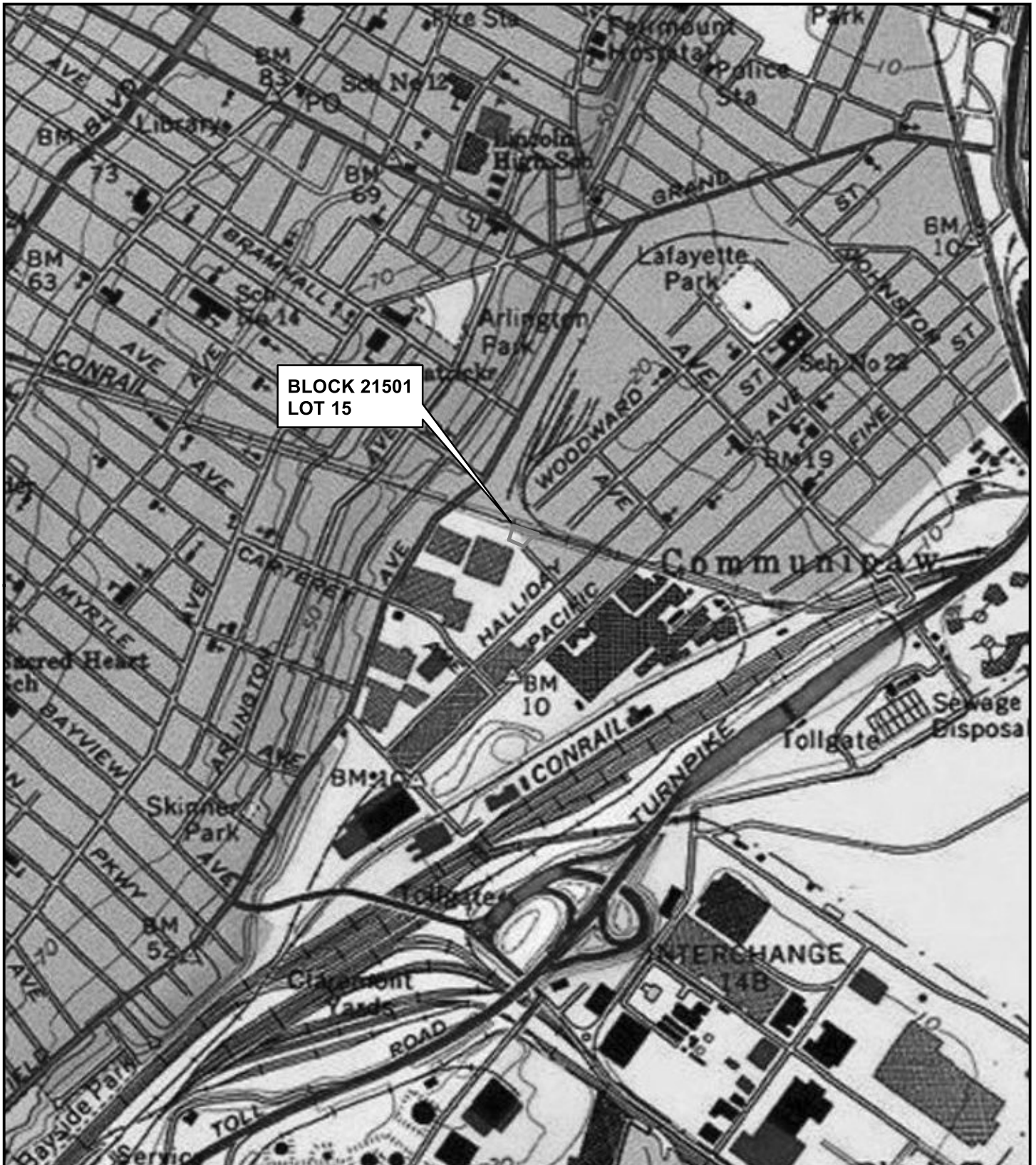
EXHIBIT A

Maps of the Property and Vicinity

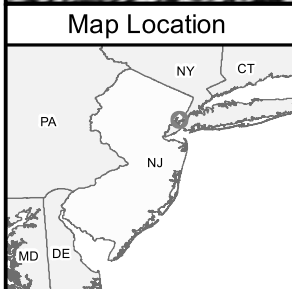
Exhibit A-1: Vicinity Map

Exhibit A-2: Metes and Bounds Description

Exhibit A-3: Property Map



BLOCK 21501
LOT 15



VICINITY MAP

BLOCK 21501, LOT 15

JERSEY CITY, HUDSON COUNTY, NEW JERSEY

DEED NOTICE

Image Source: USGS Topographic Quadrangle: Jersey City, NJ. Scale: 1:12,000

AECOM

Exhibit A-1

Date: 03/20/2018

Project #: 60544821



Facilities Mapping Specialists
Environmental Site Mapping
Transportation and
Right-of-Way Surveys

Expert Witness Services
Aerial Base Mapping
Certified Drone Pilots
Hydrographic-Bathymetric Surveys

**DESCRIPTION OF A DEED NOTICE AREA
LOCATED ON LOT 15 BLOCK 21501
JERSEY CITY, HUDSON COUNTY, NEW JERSEY**

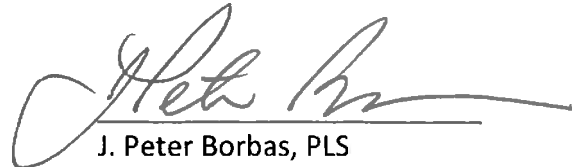
BEGINNING at a point on the northeasterly sideline of Forrest Street, where the same is intersected by the dividing line between Lot 14 and Lot 15 in Block 21501, having New Jersey State Plane Coordinates NAD 83 of North: 683659.9 East: 611668.4 (US Survey Feet), said point being distant the following three (3) courses along the northeasterly sideline of Forrest Street from the intersection of the northeasterly sideline of Forrest Street, 60 feet wide right of way, with the northwesterly sideline of Halladay Street, 60 feet wide right of way:

- A. Along the northeasterly sideline of said Forrest Street, 60 feet wide, North 43 degrees 17 minutes 07 seconds West 276.41 feet to an angle point; thence
 - B. South 30 degrees 57 minutes 53 seconds West 7.26 feet to an angle point; thence
 - C. North 66 degrees 16 minutes 31 seconds West 75.00 feet to the true point and place of beginning; and runs thence
1. Along the northeasterly sideline of said Forrest Street and continuing along the dividing line between Lot 15 and Lot 16 Block 21501, North 66 degrees 16 minutes 31 seconds West 114.57 feet to a point; thence
 2. Along said dividing line between Lot 15 and Lot 16 Block 21501, North 17 degrees 47 minutes 53 seconds East 108.72 feet to a point in the southerly line of Lot 1.01 Block 21501, lands now or formerly of Jersey City Sewerage Authority; thence
 3. Along the dividing line between Lot 1.01 and Lot 15 Block 21501, South 72 degrees 21 minutes 19 seconds East 186.82 feet to a point opposite the northerly face of a certain one story masonry building, said point being the most northerly corner of Lot 14 Block 21501; thence
 4. To and along said northerly face of one story masonry building being the dividing line between Lot 14 and Lot 15 Block 21501, South 28 degrees 13 minutes 34 seconds West 3.07 feet to an angle point in said building face; thence
 5. Still along said northerly face of said one story masonry building, South 51 degrees 21 minutes 51 seconds West 76.75 feet to the southwesterly corner of said one story masonry building; thence
 6. By a line that is at right angles to Forrest Street, South 46 degrees 42 minutes 53 seconds West 61.77 feet to the point and place of BEGINNING.

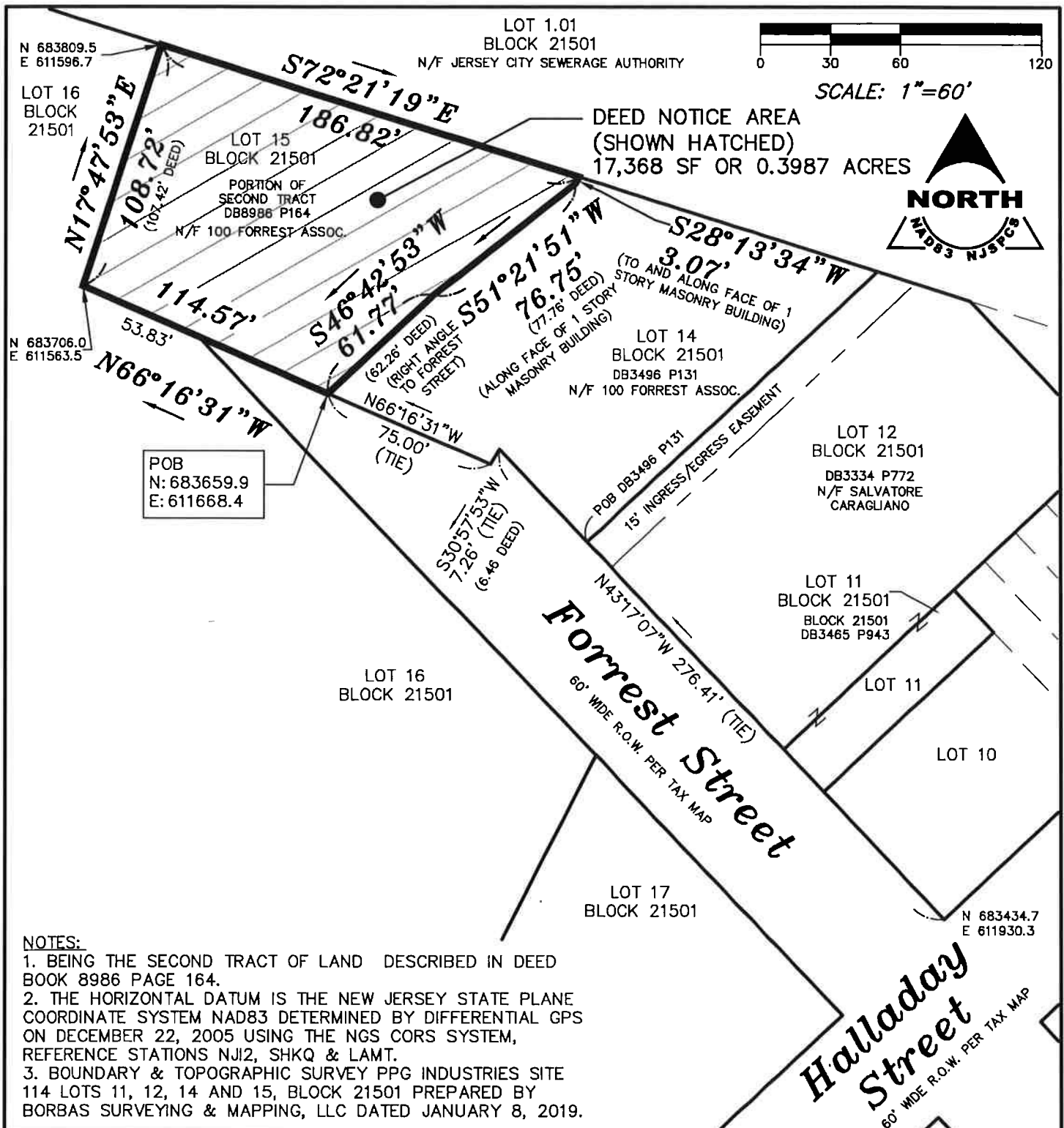
Containing 17,368 square feet or 0.3987 acres of land.

The basis of bearing for this description is the New Jersey State Plane Coordinate System (NAD83).

This description was prepared in accordance with a plan entitled, "DEED NOTICE AREA LOCATED ON LOT 15 BLOCK 21501 JERSEY CITY, HUDSON COUNTY NEW JERSEY", prepared by Borbas Surveying and Mapping, dated January 9, 2019.



J. Peter Borbas, PLS
NJ 24GS03165300
January 9, 2019



**DEED NOTICE AREA
LOCATED ON
LOT 15 BLOCK 21501
JERSEY CITY, HUDSON COUNTY
NEW JERSEY**



BORBAS SURVEYING & MAPPING, LLC
402 MAIN STREET, BOONTON, NEW JERSEY 07005
Phone (973) 316-8743 Fax (973) 402-6627 www.borbos.com
NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28056200
Environmental Site Mapping • Hazardous Materials and Waste Surveys
Aerial Control and GPS Surveys • Topographic and Existing Condition Surveys
Remote Sensing and GIS • Hydrographic/Bathymetric Surveys • ALTA/ACSM Certified Surveys
Transportation and Right of Way Surveys • Deformation and Structure Monitoring Surveys

J. PETER BORBAS

NJ PROFESSIONAL LAND SURVEYOR 24GS03165300 PROFESSIONAL PLANNER 3884

JOB NO.: 051201
PROJECT NAME: 051201
DRAWING NO.: 051201_2019-01-09_B21501L15_DN

SCALE: 1"=60'
FIELD BOOK: N/A

Date: JANUARY 9, 2019

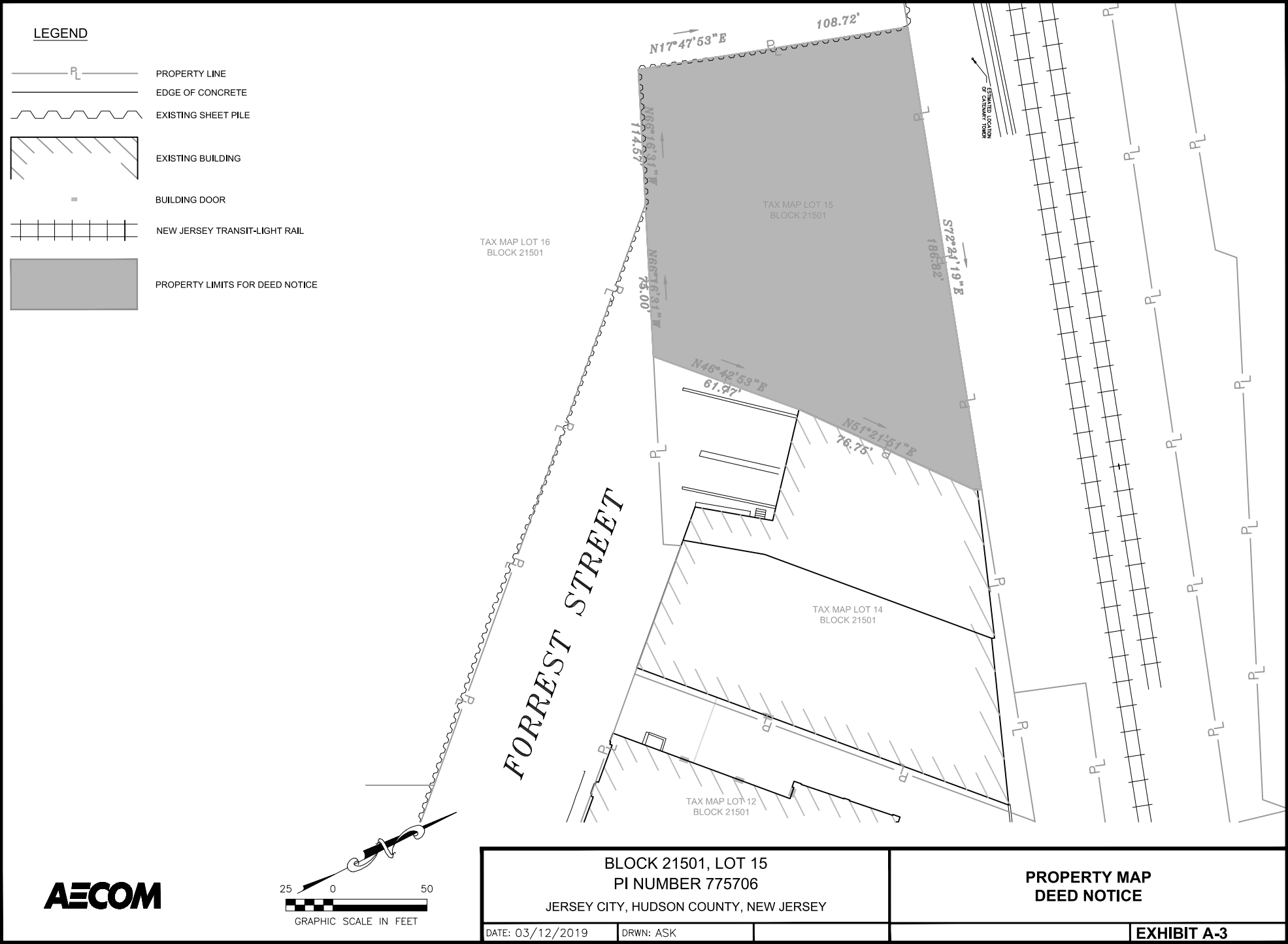


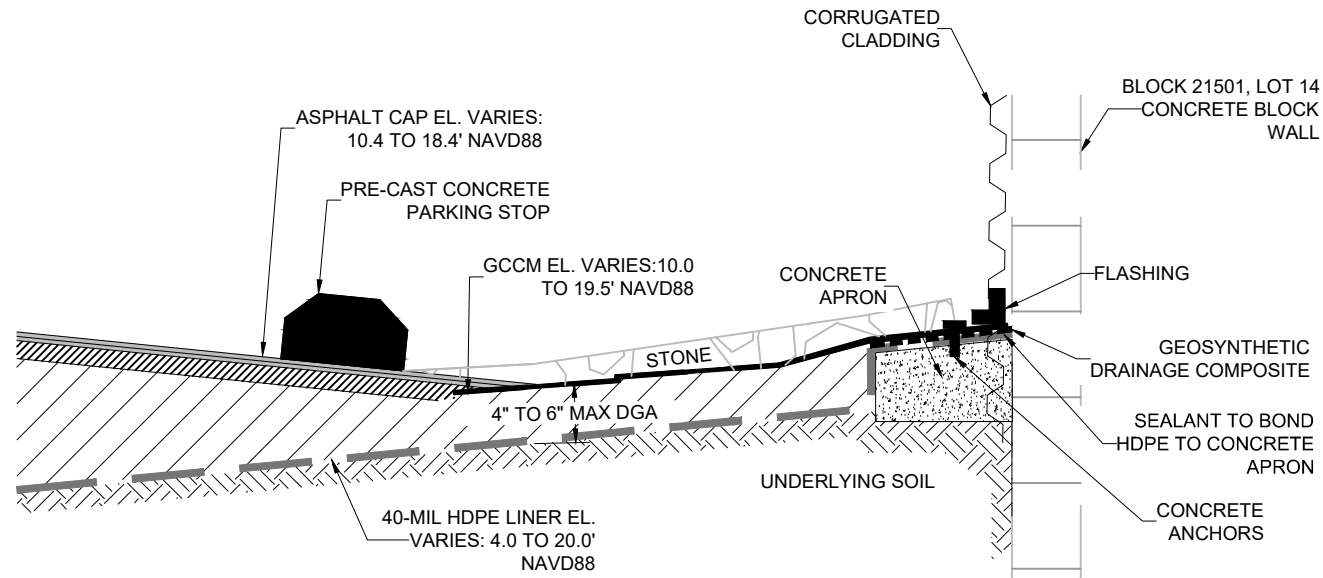
EXHIBIT B

Description of Restricted Area

Exhibit B-1A: Restricted Area Map – Restricted Area A – HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM

Exhibit B-1B: Engineering Control – As-Built Typical Section – Restricted Area A – HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM

Exhibit B-2: Restricted Area Data Table – Restricted Area A – HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM



1 HDPE LINER OVERLAIN WITH DGA AND EITHER AN ASPHALT CAP OR GCCM NTS

NOTES:

1. IN SOME LOCATIONS, STONE WAS PLACED ON TOP OF THE ASPHALT CAP AND GCCM FOR VISUAL IMPROVEMENTS. THE STONE DOES NOT SERVE AS AN ENGINEERING CONTROL.
2. ELEVATIONS LISTED REPRESENT RANGES ON BOTH BLOCK 21501, LOT 14 AND BLOCK 21501, LOT 15.

DGA DENSE-GRADED AGGREGATE
 EL. ELEVATION
 GCCM GEOSYNTHETIC CEMENTITIOUS COMPOSITE MAT
 HDPE HIGH-DENSITY POLYETHYLENE
 NAVD88 NORTH AMERICAN VERTICAL DATUM OF 1988
 NTS NOT TO SCALE
 PI PROGRAM INTEREST

AECOM

BLOCK 21501, LOT 15 PI NUMBER 775706 JERSEY CITY, HUDSON COUNTY, NEW JERSEY			ENGINEERING CONTROL AS-BUILT TYPICAL SECTION/RESTRICTED AREA A HDPE LINER OVERLAIN WITH DGA AND EITHER AN ASPHALT CAP OR GCCM	
DATE: 07/23/2019	DRWN: ASK, ALC		EXHIBIT B-1B	

Exhibit B-2
Restricted Area Data Table - Restricted Area A
HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM
Block 21501, Lot 15
Jersey City, Hudson County, New Jersey

					Analyte CAS RN CrSCC Units	CHROMIUM (HEXAVALENT) 18540-29-9 20 mg/kg
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Elevation Interval (ft NAVD88)	Date Collected	Result	Qualifier
FSP-W12B-SW-N2	FSP-W12B-SW-N-3.5-4.0	3.5 to 4.0	6.4 to 5.9	06/30/2017	28.6	RA
FS18	FS18-2.0-2.5	2.0 to 2.5	9.6 to 9.1	03/17/2014	48.1	
FS18	FS18-4.0-4.5	4.0 to 4.5	7.6 to 7.1	03/17/2014	20.2	
FS18	FS18-4.0-4.5X	4.0 to 4.5	7.6 to 7.1	03/17/2014	24.2	
NFS-PDI-X14B	NFS-PDI-X14B-6.0-6.5	6.0 to 6.5	11.5 to 11	08/29/2016	25.8	J
NFS-PDI-X14B	NFS-PDI-X14B-8.0-8.5	8.0 to 8.5	9.5 to 9.0	08/29/2016	27.5	J
NFS-PDI-X14B	NFS-PDI-X14B-10.0-10.5	10.0 to 10.5	7.5 to 7.0	08/29/2016	76.6	J
NFS-PDI-X14B	NFS-PDI-X14B-12.0-12.5	12.0 to 12.5	5.5 to 5.0	08/29/2016	36.6	J

Exhibit B-2
Restricted Area Data Table - Restricted Area A
HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM
Block 21501, Lot 15
Jersey City, Hudson County, New Jersey

Notes:

A COPR seam, as shown on Exhibit B-1A, was identified during excavation activities approximately 1.2 to 1.7 ft bgs (El. 8.7 to 8.2 ft NAVD88). Material was removed during restoration activities, but COPR may remain in place within Restricted Area A.

Visible CCPW was encountered in boring FS18 from 1.8 to 2.5 ft bgs (El. 9.8 to 9.1 ft NAVD88) and remains in place.

bgs - below ground surface

CAS RN - Chemical Abstracts Service Registry Number

CCPW - chromate chemical production waste

COPR - chromite ore processing residue

CrSCC - NJDEP Interim Chromium Soil Cleanup Criteria

DGA - dense-graded aggregate

El. - elevation

ft - feet

GCCM - geosynthetic cementitious composite mat

HDPE - high-density polyethylene

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

mg/kg - milligrams per kilogram

N/A - not applicable

NAVD88 - North American Vertical Datum of 1988

NJDEP - New Jersey Department of Environmental Protection

RA - Indicates that the result for this analyte has been rejected, but is useable.

Bold result indicates a hexavalent chromium result exceeded the CrSCC.

EXHIBIT C

Narrative descriptions of the institutional controls and engineering controls

Exhibit C-1: Deed Notice as Institutional Control

Exhibit C-2: Narrative Description of the Restricted Area A Engineering Control:
HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM

EXHIBIT C

Narrative descriptions of the institutional and engineering controls

Exhibit C-1: Deed Notice as Institutional Control

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

The deed notice is for soil (Soil Restricted Area A), located at Block 21510, Lot 15 in Jersey City, New Jersey, as depicted on **Exhibit B-1A**. The contaminants of concern are visible Chromate Chemical Production Waste (CCPW) and hexavalent chromium (Cr^{+6}). The estimated size of the Soil Restricted Area A is 1839 square feet (ft^2) (0.04 acres).

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

The restrictions included in this Deed Notice minimize exposure to the contaminants of concern identified in **Exhibit C-1(A)**, which include visible CCPW and Cr^{+6} at concentrations greater than the Chromium Soil Cleanup Criteria (CrSCC) in the Soil Restricted Area of Block 21501, Lot 15. Through the use of this 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 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 CrSCC.

Exhibit C-2: Narrative Description of the Restricted Area A Engineering Control: HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM

(A) Description of the engineering control:

Following excavation, the ground surface was graded and compacted. A 40-mil high-density polyethylene (HDPE) liner was placed on top of the prepared surface and the liner was sealed to the existing concrete apron of the adjacent building on Block 21501, Lot 14. Following installation of the HDPE liner, the HDPE liner was overlain with dense-graded aggregate (DGA) backfill material, except where the HDPE liner was placed on the concrete apron. Where placed on the concrete apron, the HDPE liner was covered with a geosynthetic drainage composite that was then covered with a geosynthetic cementitious composite mat (GCCM). The GCCM is intended to mitigate surface water runoff leakage through the wall of the adjacent building. Where the GCCM was not placed, asphalt was placed on top of the DGA. The horizontal extent of the HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM Engineering Control is depicted on **Exhibit B-1A**. The HDPE Liner Overlain with DGA and Either and Asphalt Cap or GCCM Engineering Control spans Block 21501, Lot 14 and Block 21501, Lot

15. An as-built typical section detail of the HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM Engineering Control is shown on **Exhibit B-1B**.

(B) The objective of the engineering control:

The objective of the HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM Engineering Control is to protect human health and the environment by restricting access and eliminating exposure to visible CCPW and/or Cr^{+6} present in the underlying soil at concentrations greater than the CrSCC.

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

The HDPE Liner Overlain with DGA and Either an Asphalt Cap or GCCM Engineering Control is intended to function as a physical barrier that prevents direct contact with and incidental exposure to visible CCPW and/or Cr^{+6} present in the underlying soil at concentrations greater than the CrSCC.

Return Address:
Dorothy Laguzza, Esq.,
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 Forrest Street. This Notice in Lieu of Deed Notice is for the portion of Forrest Street west of Halladay Street 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 775706. 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 agreed to maintain a list of these restrictions available 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. **UTILITY COORDINATION MANUAL.** A Utility 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 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 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 Municipal Utilities Authority (“JCMUA”) and/or PPG will make the Utility 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 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 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 well 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 – High-Density Polyethylene (“HDPE”) Liner: Exhibit C-2 includes a narrative description of the HDPE Liner 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.

iii. Exhibit C-3: Restricted Area B Engineering Control – Existing Asphalt Cap: Exhibit C-3 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]

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



<p>Map Location</p>	<p>VICINITY MAP</p> <p>FORREST STREET JERSEY CITY, HUDSON COUNTY, NEW JERSEY NOTICE IN LIEU OF DEED NOTICE</p> <p>0 250 500 1,000 1,500 2,000 2,500 3,000 Feet</p> <p>0 50 100 200 300 400 500 600 700 800 Meters</p> <p>Image Source: United States Geological Survey Topographic Quadrangle: Jersey City, NJ. Scale: 1:12,000</p>	<p>AECOM</p> <p>Exhibit A-1</p> <p>Date: 02/14/2019</p> <p>Project #: 60544821</p>
---------------------	--	---



Facilities Mapping Specialists
Environmental Site Mapping
Transportation and
Right-of-Way Surveys

Expert Witness Services
Aerial Base Mapping
Certified Drone Pilots
Hydrographic-Bathymetric Surveys

**DESCRIPTION OF "NOTICE IN LIEU OF DEED NOTICE"
LOCATED ON A PORTION OF FORREST STREET
JERSEY CITY, HUDSON COUNTY, NEW JERSEY**

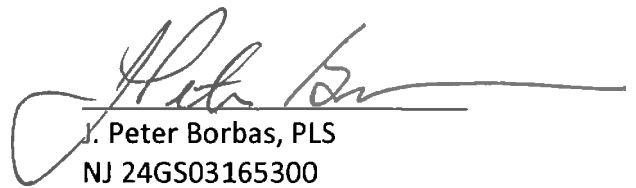
BEGINNING at a point on the northeasterly sideline of Forrest Street, 177.87 feet from the intersection of the northeasterly line of Forrest Street (60 feet wide) with the northwesterly sideline of Halladay Street (60 wide), said beginning point having a NAD83 New Jersey State Plane Coordinate of North 683564.2 East 611808.3 (US Survey Feet); and runs thence

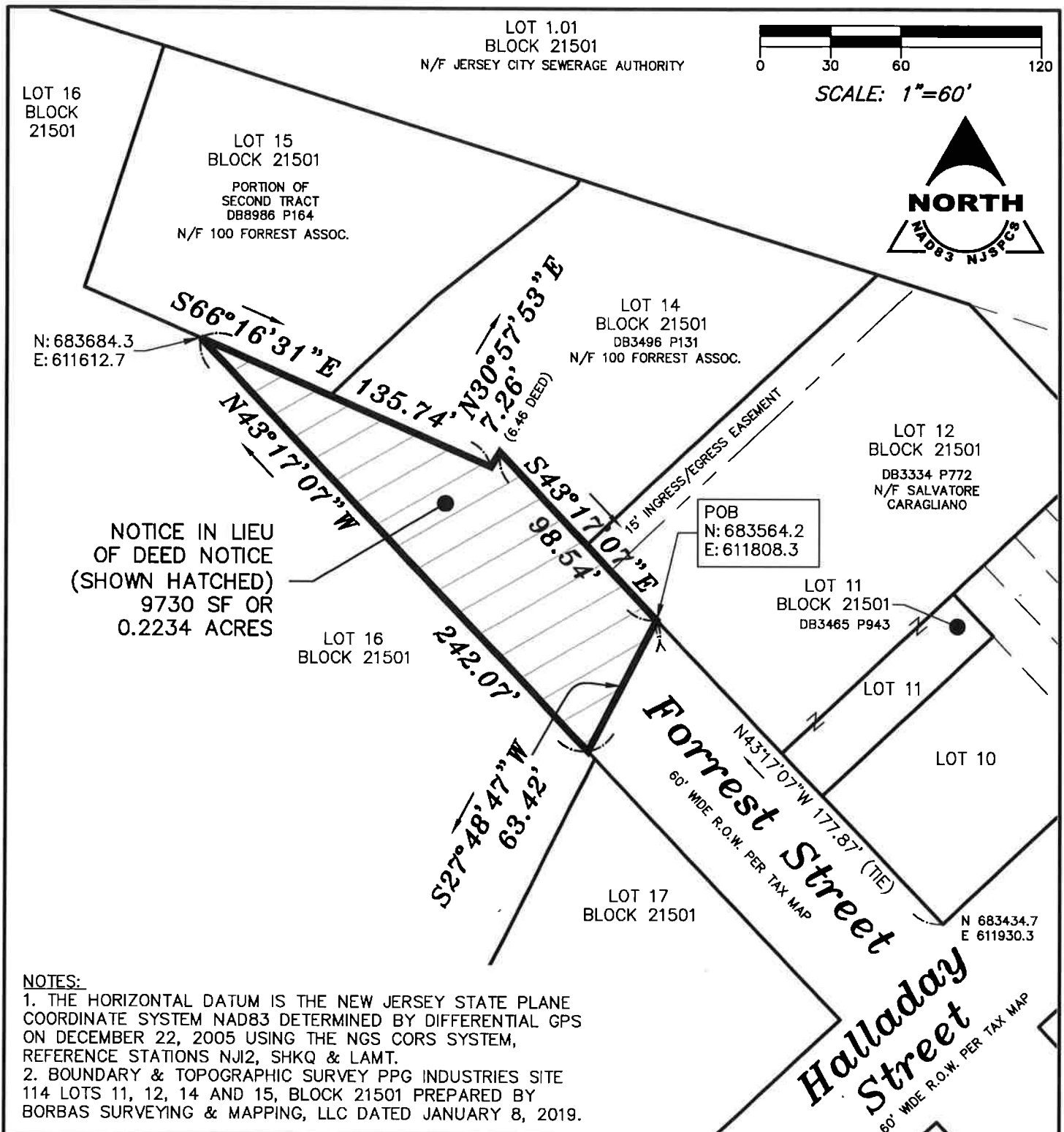
1. Crossing Forrest Street, South 27 degrees 48 minutes 47 seconds West 63.42 feet to a point on the southwesterly sideline of Forrest Street; thence
2. Along said southwesterly sideline of Forrest Street (partly along the northeasterly line of Lot 16 Block 21501), North 43 degrees 17 minutes 07 seconds West 242.07 feet to a point; thence
3. Along the northerly side of Forrest Street (being partly along the southerly line of Lot 15 Block 21501 and partly along the southerly line of Lot 14 Block 21501), South 66 degrees 16 minutes 31 seconds East 135.74 feet to an angle point in the northerly line of Forrest Street; thence
4. Along the northerly line of Forrest Street (being along southerly line of Lot 14 Block 21501), North 30 degrees 57 minutes 53 seconds East 7.26 feet to an angle point in the northerly line Forrest Street; thence
5. Along said northeasterly sideline of Forrest Street, 60 feet northeasterly of and parallel to the second course, (along the southwesterly line of Lot 14 Block 21501 and partly along the southwesterly line of Lot 12 Block 21501) South 43 degrees 17 minutes 07 seconds East 98.54 feet to the point and place of BEGINNING.

Containing 9,730 square feet or 0.2234 acres of land.

The basis of bearing for this description is the New Jersey State Plane Coordinate System (NAD83).

This description is prepared in accordance with a plan entitled, "NOTICE IN LIEU OF DEED NOTICE LOCATED ON A PORTION OF FORREST STREET JERSEY CITY, HUDSON COUNTY NEW JERSEY", prepared by Borbas Surveying and Mapping, LLC dated January 11, 2019.


J. Peter Borbas, PLS
NJ 24GS03165300
January 11, 2019

**NOTES:**

1. THE HORIZONTAL DATUM IS THE NEW JERSEY STATE PLANE COORDINATE SYSTEM NAD83 DETERMINED BY DIFFERENTIAL GPS ON DECEMBER 22, 2005 USING THE NGS CORS SYSTEM, REFERENCE STATIONS NJ12, SHKQ & LAMT.
2. BOUNDARY & TOPOGRAPHIC SURVEY PPG INDUSTRIES SITE 114 LOTS 11, 12, 14 AND 15, BLOCK 21501 PREPARED BY BORBAS SURVEYING & MAPPING, LLC DATED JANUARY 8, 2019.

**NOTICE IN LIEU OF DEED NOTICE
LOCATED ON A PORTION OF
FORREST STREET
JERSEY CITY, HUDSON COUNTY
NEW JERSEY**



BORBAS SURVEYING & MAPPING, LLC
402 MAIN STREET, BOONTON, NEW JERSEY 07005
Phone (973) 316-8743 Fax (973) 402-6627 www.borbas.com
NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28056200

Environmental Site Mapping • Hazardous Materials and Waste Surveys
Aerial Control and GPS Surveys • Topographic and Existing Condition Surveys
Remote Sensing and GIS • Hydrographic/Bathymetric Surveys • ALTA/ACSM Certified Surveys
Transportation and Right of Way Surveys • Deformation and Structure Monitoring Surveys

J. PETER BORBAS

NJ PROFESSIONAL LAND SURVEYOR 24GS03165300 PROFESSIONAL PLANNER 3884

JOB NO.: 051201	SCALE: 1"=60'
PROJECT NAME: 051201	FIELD BOOK: N/A
DRAWING NO.: 051201_2019-01-11_FORREST_NDN	

Date: JANUARY 11, 2019

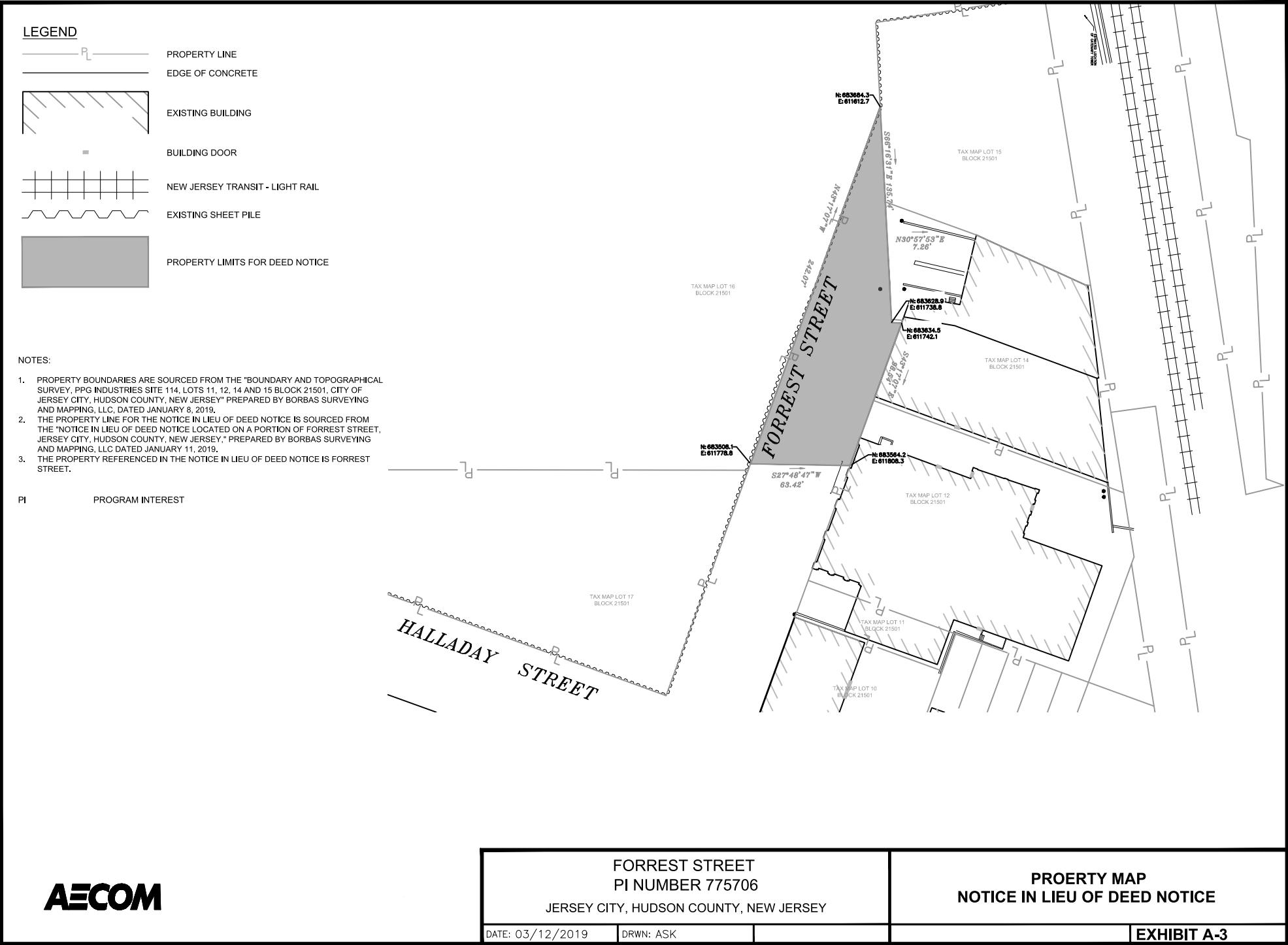


EXHIBIT B

Description of Restricted Area

Exhibit B-1A: Restricted Area Map – Restricted Area A – Forrest Street HDPE Liner

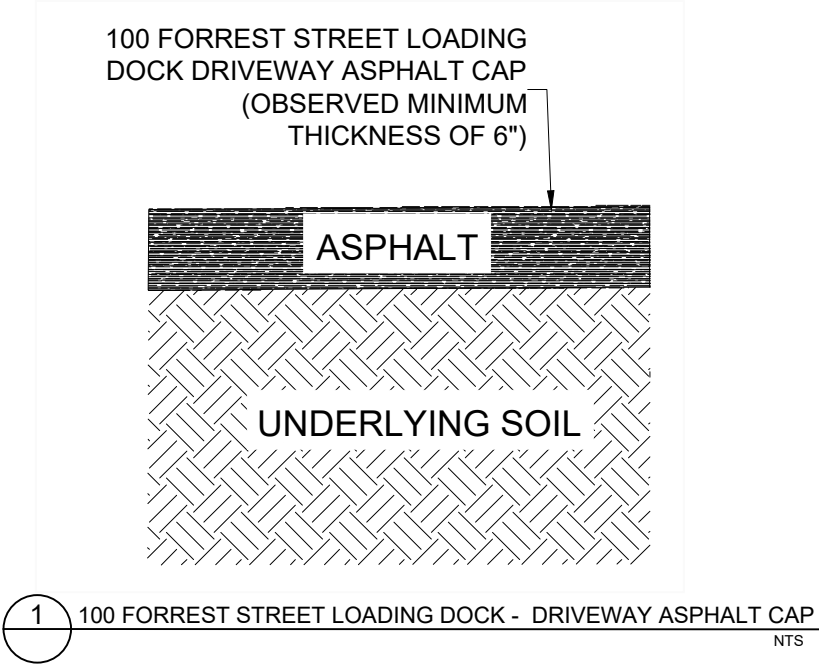
Exhibit B-1B: Engineering Control – As-Built Typical Section – Restricted Area A – Forrest Street HDPE Liner

Exhibit B-1C: Restricted Area Map – Restricted Area B – 100 Forrest Street Loading Dock Driveway Existing Asphalt Cap

Exhibit B-1D: Engineering Control – As-Built Typical Section – Restricted Area B – 100 Forrest Street Loading Dock Driveway Existing Asphalt Cap

Exhibit B-2A: Restricted Area Data Table – Restricted Area A – Forrest Street HDPE Liner

Exhibit B-2B: Restricted Area Data Table – Restricted Area B – 100 Forrest Street Loading Dock Driveway Existing Asphalt Cap



NOTES:

NTS NOT TO SCALE

PI PROGRAM INTEREST



FORREST STREET PI NUMBER 775706 JERSEY CITY, HUDSON COUNTY, NEW JERSEY			ENGINEERING CONTROLS AS-BUILT TYPICAL SECTIONS/RESTRICTED AREA B 100 FORREST STREET LOADING DOCK DRIVEWAY EXISTING ASPHALT CAP	
DATE: 03/12/2019	DRWN: ASK			EXHIBIT B-1D

Exhibit B-2A
Restricted Area Data Table - Restricted Area A
Forrest Street HDPE Liner
Forrest Street
Jersey City, Hudson County, New Jersey

					Analyte	CHROMIUM (HEXAVALENT)	VANADIUM	
					CAS RN	18540-29-9	7440-62-2	
					CrSCC	20	N/A	
					RDCSRS-GAG	N/A	390	
					NRDCSRS	N/A	1100	
					Units	mg/kg	mg/kg	
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Elevation Interval (ft NAVD88)	Date Collected				
FS16	FS16-5.0-5.5	5.0 - 5.5	5.1 to 4.6	04/02/2014			598	
FS4	FS4-1.0-1.5	1.0 - 1.5	9.1 to 8.6	03/21/2014	24.0	J		
FS-Z11B-SW-W2	FS-Z11B-SW-W-3.0-3.5	3.0 - 3.5	6.9 to 6.4	07/01/2017	32.3	J		
P4-FOR-Y12B	P4-FOR-Y12B-0.5-1.0*	0.5 - 1.0	9.9 to 9.4	06/23/2016	36.3	J		
P4-FOR-Z11B	P4-FOR-Z11B-4.0-4.5	4.0 - 4.5	6.0 to 5.5	06/17/2016	25.5	J		
P4-FOR-Z12B	P4-FOR-Z12B-3.0-3.5	3.0 - 3.5	6.7 to 6.2	06/20/2016	28.9	J		

Exhibit B-2A
Restricted Area Data Table - Restricted Area A
Forrest Street HDPE Liner
Forrest Street
Jersey City, Hudson County, New Jersey

Notes:

*These samples were collected outside the boundary of Restricted Area A but may represent material remaining in place within Restricted Area A.

A COPR seam, as shown on Exhibit B-1A, was identified during excavation activities approximately 0.8 to 2.0 ft bgs. Material was removed during restoration activities, but COPR may remain in place within Restricted Area A.

Visible CCPW was encountered in boring EF-06 from 0.5 to 5.0 ft bgs (Elevation 9.3 to 5.3 ft NAVD88) and remains in place from 2.0 to 5.0 ft bgs (Elevation 8.3 to 5.3 ft NAVD88).

bgs - below ground surface

CAS RN - Chemical Abstracts Service Registry Number

CCPW - Chromate Chemical Production Waste

COPR - Chromite Ore Processing Residue

CrSCC - NJDEP Interim Chromium Soil Cleanup Criteria

ft - feet

HDPE - high-density polyethylene

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

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-GAG - Residential Direct Contact Soil Remediation Standard - Garfield Avenue Group (alternative remediation standard approved by the NJDEP on December 28, 2016)

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

Bold result indicates a hexavalent chromium result that exceeded the CrSCC or a vanadium result that exceeded the RDCSRS-GAG.

Exhibit B-2B
Restricted Area Data Table - Restricted Area B
100 Forrest Street Loading Dock Driveway Existing Asphalt Cap
Forrest Street
Jersey City, Hudson County, New Jersey

					Analyte CAS RN CrSCC Units		CHROMIUM (HEXVALENT) 18540-29-9 20 mg/kg
Location ID	Sample ID	Sample Depth Interval (ft bgs)	Sample Elevation Interval (ft NAVD88)	Date Collected	Result	Qualifier	
P4-FOR-Y12B	P4-FOR-Y12B-0.5-1.0	0.5 - 1.0	9.9 to 9.4	06/23/2016	36.3	J	

Exhibit B-2B
Restricted Area Data Table - Restricted Area B
100 Forrest Street Loading Dock Driveway Existing Asphalt Cap
Forrest Street
Jersey City, Hudson County, New Jersey

bgs - below ground surface

CAS RN - Chemical Abstracts Service Registry Number

CrSCC - Chromium Soil Cleanup Criteria

ft - feet

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

mg/kg - milligrams per kilogram

N/A - not applicable

NAVD88 - North American Vertical Datum of 1988

NJDEP - New Jersey Department of Environmental Protection

Bold result indicates a hexavalent chromium result that exceeded the CrSCC.

EXHIBIT C

Narrative descriptions of the institutional controls and engineering controls

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

Exhibit C-2: Narrative Description of the Restricted Area A Engineering Control:
Forrest Street HDPE Liner

Exhibit C-3: Narrative Description of the Restricted Area B Engineering Control:
100 Forrest Street Loading Dock Driveway Existing Asphalt Cap

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 Area A, and Soil Restricted Area B), located within the right-of-way of Forrest Street in Jersey City, New Jersey, as depicted on **Exhibits B-1A and B-1C**.

In Restricted Area A, the contaminants of concern are visible Chromate Chemical Production Waste (CCPW), hexavalent chromium (Cr^{+6}), and vanadium. The estimated size of the Soil Restricted Area B is 9,321 ft^2 (0.21 acres). Note that vanadium concentrations remaining in Forrest Street Restricted Area A do not exceed the Non-Residential Direct Contact Soil Remediation Standard (NRDCSRS), and the concentrations of vanadium in the unsaturated zone do not exceed the Default Impact to Groundwater Soil Screening Levels (DIGWSSL); therefore, vanadium is not restricted for the current roadway use.

In Restricted Area B, the contaminant of concern is Cr^{+6} . The estimated size of the Soil Restricted Area B is 44 ft^2 (0.001 acres).

(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 contaminants of concern identified in **Exhibit C-1(A)**, which include visible CCPW, Cr^{+6} at concentrations greater than the Chromium Soil Cleanup Criteria (CrSCC), and vanadium at concentrations greater than the alternative remediation standard in the Soil Restricted Areas of Forrest Street. 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, Cr^{+6} at concentrations greater than the CrSCC, and vanadium at concentrations greater than the alternative remediation standard.

Exhibit C-2: Narrative Description of the Restricted Area A Engineering Control: Forrest Street HDPE Liner

(A) Description of the engineering control:

Following excavation throughout Forrest Street and into a portion of Block 21501, Lot 14, the ground surface was graded and compacted. A 40-mil high-density polyethylene (HDPE) liner was placed on top of the prepared surface. Along the southern boundary, the liner was draped over the top of the sheet pile. Along portions of the northern boundary, the liner was placed to abut the buildings. The horizontal extent of the HDPE Liner Engineering Control is depicted on **Exhibit B-1A**. The HDPE Liner spans Block 21501, Lot 14 and the Forrest Street right-of-way. An as-built typical section of the HDPE Liner Engineering Control is shown on **Exhibit B-1B**.

(B) The objective of the engineering control:

The objectives of the HDPE Liner Engineering Control are to protect human health and the environment by restricting access and eliminating exposure to visible CCPW and/or Cr⁺⁶ at concentrations greater than the CrSCC present in underlying soil.

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

The HDPE Liner Engineering Control is intended to function as a physical barrier that prevents direct contact with and incidental exposure to visible CCPW and/or Cr⁺⁶ at concentrations greater than the CrSCC present in underlying soil.

Exhibit C-3: Narrative Description of the Restricted Area B Engineering Control: 100 Forrest Street Loading Dock Driveway Existing Asphalt Cap

(A) Description of the engineering control:

The existing exterior asphalt (observed minimum thickness of 6 inches) of the 100 Forrest Street loading dock driveway (primarily located on Block 21501, Lot 14) provides a barrier to underlying soil that may contain Cr⁺⁶ at concentrations greater than the CrSCC. The horizontal extent of the Existing Asphalt Cap Engineering Control is depicted on **Exhibit B-1C**. A small portion of the 100 Forrest Street Loading Dock Driveway Existing Asphalt Cap extends into Forrest Street forming part of the barrier to underlying soils within the Forrest Street roadway. A detail of the Existing Asphalt Cap Engineering Control is shown on **Exhibit B-1D**.

(B) The objective of the engineering control:

The objective of the 100 Forrest Street Loading Dock Driveway 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⁺⁶ at concentrations greater than the CrSCC.

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

The 100 Forrest Street Loading Dock Driveway 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⁺⁶ at concentrations greater than the CrSCC.

PPG Utility Coordination Manual

To be provided in the Final
Notice In Lieu of Deed Notice