



State of New Jersey

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

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January 25, 2024

PPG Industries, Inc.
Ms. Jody Overmyer
Senior Remediation Project Manager, Environmental Affairs
One PPG Place
Pittsburgh, PA 15222
Via email

Approval

Re: **Consent Judgment Compliance Letter**

Remedial Action Type: **Restricted Use – Soil**

Scope of Remediation: **Area of Concern for Chromate Chemical Production Waste (CCPW) and CCPW-Related Metals in Soil within Caven Point Avenue and Pacific Avenue Roadways (AOC CPA-1A)**

- Hudson County Chromate (HCC) Site 114 – Garfield Avenue Site (specific to Caven Point and Pacific Avenues)
- Portion of Caven Point Avenue west of and including its intersection with Pacific Avenue, and portion of Pacific Avenue north of and including its intersection with Caven Point Avenue
- PPG Garfield Avenue Group, Hudson County Chromate Sites
- Jersey City, Hudson County, NJ
- SRP PI# G000005480, Activity Number RAP230002

Dear Ms. Overmyer:

The New Jersey Department of Environmental Protection (Department) has reviewed the site soil remediation documents submitted by PPG Industries, Inc. pursuant to Paragraph 23.E of the 2011 Consent Judgment (as defined herein), including the *Remedial Investigation Report – Soil* (RIR) dated February 2012, the *Supplemental Soil Remedial Investigation Report – Soil* (SSRIR) dated August 2018, the *Remedial Investigation Report/Remedial Action Work Plan* (RIR/RAWP) dated September 2020, the *Remedial Action Report* (RAR) dated February 2022, associated documents regarding remediation of chromate chemical production waste (CCPW) and CCPW-related metals in soil within Caven Point and Pacific Avenues, information in the Department's case file, and the certified representations and information provided to the Department.

The Department concurs with PPG that all remedial actions are complete for soil Area of Concern (AOC) CPA-1A within Caven Point and Pacific Avenues as depicted on the attached figure (Figure 1-2 of the RAR).

Based on the information provided, the Department concludes that the remediation of CCPW and CCPW-related metals in soil in AOC CPA-1A satisfies the requirements of the Consent Judgment in *New Jersey Department of Environmental Protection, et al. v. Honeywell International Inc., et al.* Docket No C-77-05, Superior Court of New Jersey Chancery Division-Hudson County filed September 7, 2011 (2011 Consent Judgment), the Partial Consent Judgment Concerning the PPG Sites, filed June 26, 2009 and the July 19, 1990 Administrative Consent Order between the Department and PPG, the Technical Requirements for Site Remediation at N.J.A.C. 7:26E, and the Administrative Requirements for Remediation of Contaminated Sites at N.J.A.C. 7:26C. As a result, the Department has determined that the remediation of the CCPW and CCPW-related metals in soil in AOC CPA-1A is not subject to further review pursuant to N.J.S.A. 58:10C-21 and 58:10C-25.

By operation of law, a Covenant Not to Sue pursuant to N.J.S.A. 58:10B-13.2 applies to this remediation of CCPW and CCPW-related metals in soil in AOC CPA-1A as shown on the attached Figure 1-2 of the February 2022 RAR. The Covenant Not to Sue is subject to any conditions and limitations contained herein, and remains effective as long as the real property referenced above continues to meet those conditions. This includes the need to continue to comply with any permit PPG Industries, Inc. is required to obtain. Anticipated permits include but are not limited to the soil Remedial Action Permit associated with the Notice in Lieu of Deed Notice, monitoring well installation permits for any new monitoring wells, and well decommissioning notice per N.J.A.C. 7:9D-3 for the eventual decommissioning of any site monitoring wells.

This letter is issued pursuant to Section 23G(b) of the 2011 Consent Judgment. It serves as the functional equivalent to a No Further Action (“NFA”) letter issued pursuant to N.J.S.A. §58:10B-13.1 and N.J.A.C. §7:26C before those provisions were amended effective in 2012 to no longer authorize NFA letters. The Department recognizes this letter as serving the same function as previously served by NFA letters, and satisfies the same legal obligations formerly met by NFA letters, for sites regulated directly by the Department.

If you have any questions regarding this matter, contact me at (609) 292-1251.

Sincerely,



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

cc: Jersey City Department of Health & Human Services
Municipal Clerk, City of Jersey City
Hudson Regional Health Commission
Ian Curtis, NJDEP Case Manager
Kirstin Pointin-Hahn, NJDEP BCAN
Ronald J. Riccio, Site Administrator
James D. Ray, MDM&C LLP
Peter Baker, Law Department, City of Jersey City



