



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

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Lt. Governor

SHAWN M. LATOURETTE

Commissioner

March 25, 2022

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: **Unrestricted Use – Soil**

Scope of Remediation: **Area of Concern for Chromate Chemical Production Waste (CCPW) and CCPW-Related Metals in Soil (AOC-1B: Material Staging Area Soil)**

Hudson County Chromate (HCC) Site 107 – Fashionland

18 Chapel Avenue

Portion of Block 27401 Lot 42

Jersey City, Hudson County, NJ

SRP PI# G000008728, Activity Number RPC900001

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* (RIR) dated March 2013, the *Remedial Action Work Plan* (RAWP) dated September 2013, and the *Remedial Action Report – Site 107 Material Staging Area Soil (AOC-1B)* (RAR) dated November 2021, associated documents regarding remediation of chromate chemical production waste (CCPW) and CCPW-related metals in soil at the referenced block and lot, 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 Area of Concern (AOC)-1B: Material Staging Area Soil at the referenced block and lot within the limits of excavation as depicted on the attached figure (Figure 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-1B: Material Staging Area Soil 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-1B: Material Staging Area Soil 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-1B: Material Staging Area Soil as shown on the attached Figure 2 of the November 2021 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 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, please contact me at (609) 984-1351.

Sincerely,

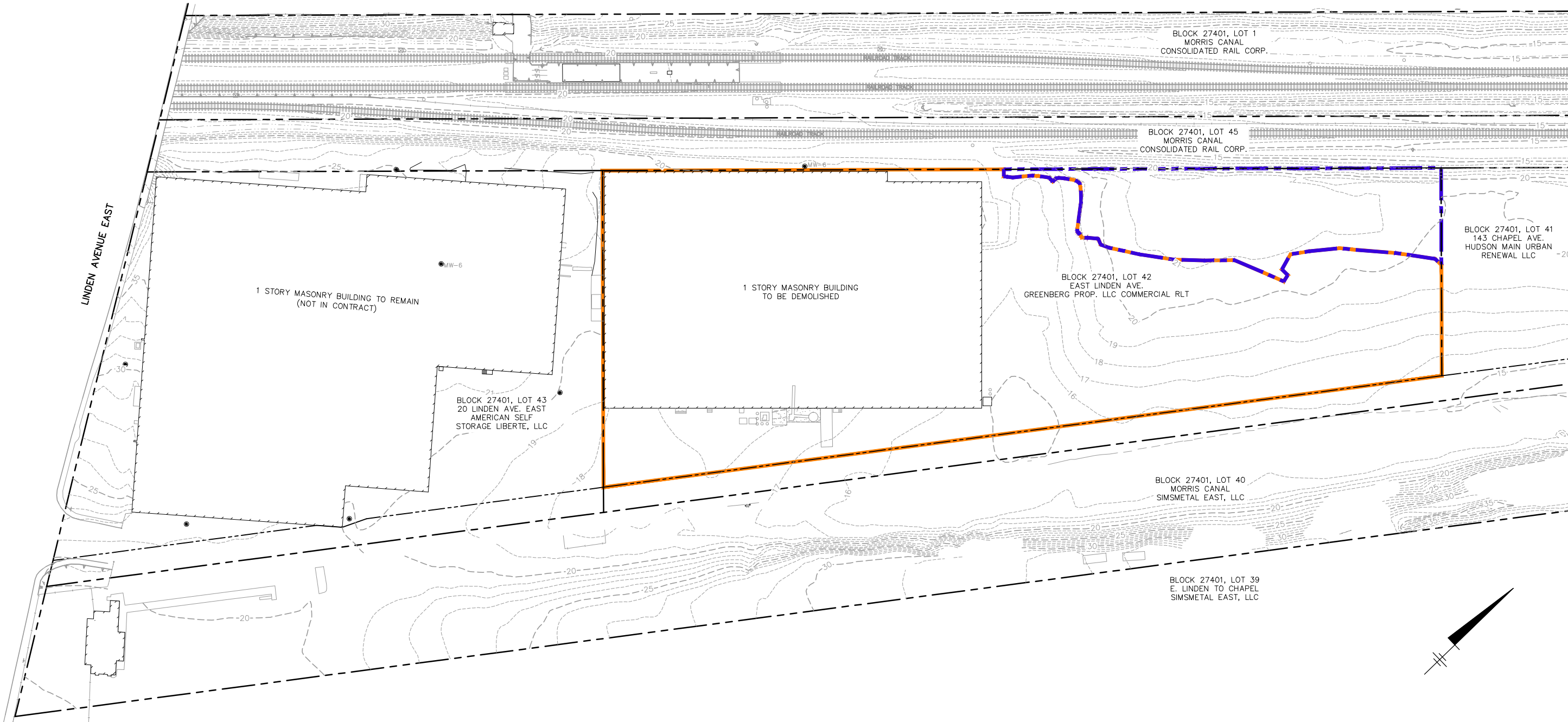


Wayne C. Howitz, Assistant Director
Site Remediation NJDEP

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



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- LEGEND:**
- MAJORITY SITE SOIL (AOC-1A) BOUNDARY
 - - - - - MSA SOIL (AOC-1B) BOUNDARY
 - HUDSON COUNTY CHROMATE SITE 107 BOUNDARY
 - EASEMENT
 - PRE-REMEDIATION ELEVATION (1-FT INTERVAL IN NAVD-88)
 - EXISTING RAILROAD TRACK
 - EXISTING BUILDINGS
 - EXISTING MONITORING WELL

- NOTES:**
1. ELEVATION VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), IN US SURVEY FEET.
 2. LOT/BLOCK INFORMATION FROM CITY OF JERSEY CITY TAX MAP, SHEET 274, DATED AUGUST 2006 AT A SCALE OF 1" = 200'. LOT/BLOCK OWNERSHIP FROM TAX RECORDS DATED 5/13/2017.
 3. PRE-REMEDIATION ELEVATION CONTOURS SUPPLIED BY DRESDNER ROBIN, INC., BOUNDARY AND TOPOGRAPHIC SURVEY, DATED 2/15/11 AT A SCALE OF 1" = 60'.



PPG
18 CHAPEL AVENUE, JERSEY CITY, NEW JERSEY
REMEDIATION ACTION REPORT

PRE-REMEDIATION SITE PLAN

FIGURE
2