



State of New Jersey

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

401 East State Street

P.O. Box 420, Mail Code 401-05M

Trenton, New Jersey 08625-0420

Tel. (609) 292-1251

www.nj.gov/dep

PHILIP D. MURPHY

Governor

TAHESHA L. WAY

Lt. Governor

SHAWN M. LATOURETTE

Commissioner

August 30, 2024

PPG Industries, Inc.
Mr. Scott Krall
Global Director, Environmental Affairs
440 College Park Drive
Monroeville, PA 15146
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 (AOC 1)**

Hudson County Chromate (HCC) Site 174 – Dennis Collins Park

West 1st Street

Block 383 Lots 5 and 7 and Portions of Lots 3, 4, 6, and 8; Block 384 Lot 1 and Portion of Lot 2; Block 385 Lots 1 and 2 and Portions of Lot 3 and 6; and a Portion of West 1st Street

Bayonne, Hudson County, NJ

SRP PI# G000011472; Soil Remedial Action Permit # RAP230001

Dear Mr. Krall:

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 Action Work Plan (RAWP)* dated September 2012, *Remedial Investigation Report Addendum/Remedial Action Work Plan (RIRA/RAWP)* dated August 9, 2019, *Remedial Action Report (RAR)* dated November 29, 2022, associated documents regarding remediation of chromate chemical production waste (CCPW) and CCPW-related metals in soil at the referenced blocks and lots, 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) AOC 1 at the referenced blocks and lots 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 1 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 1 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 1 as shown on the attached Figure 2 of the November 29, 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 Deed Notice and 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.

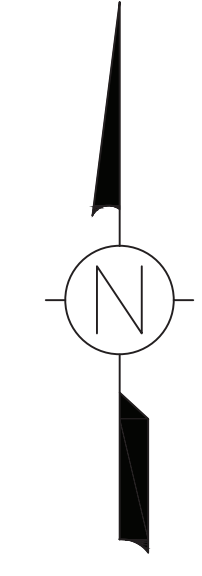
Sincerely,



Gwen B. Zervas, P.E.
Director

cc: Municipal Clerk, City of Bayonne
Hudson Regional Health Commission
Ian Curtis, NJDEP Case Manager
Kirstin Pointin-Hahn, NJDEP BCAIN
Ronald J. Riccio, Site Administrator
James D. Ray, MDM&C LLP
Donna Russo, City of Bayonne

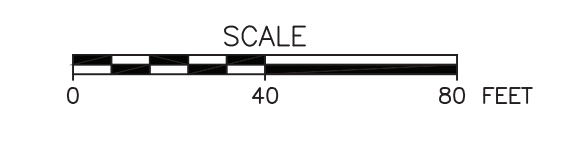




NOTES & REFERENCES:

1. INFORMATION SHOWN HEREON WAS COMPILED ENTIRELY FROM AERIAL PHOTOGRAMMETRY. PER CONTRACT, NO FIELD VERIFICATION OF CONTOURS, SPOT ELEVATIONS OR PLANIMETRIC FEATURES WAS PERFORMED. PHOTOGRAMMETRIC CONTROL WAS CONDUCTED ON APRIL 27 THROUGH MAY 4, 2010 BY C.T. MALE ASSOCIATES, P.C.
2. NORTH ORIENTATION IS BASED ON THE NEW JERSEY (2900) STATE PLANE COORDINATE SYSTEM, NAD83 (CONUS) OBTAINED FROM GPS OBSERVATIONS USING TRIMBLE R8 GNSS RECEIVERS AT STATION 1106 A NJGS AND NGS OPUS-RS.
3. ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 1988 AND WERE OBTAINED THROUGH GPS OBSERVATIONS USING TRIMBLE R8 GNSS RECEIVERS AT STATION 1106 A NJGS.
4. TOPOGRAPHIC INFORMATION SHOWN HEREON WAS PREPARED FROM AERIAL STEREO PHOTOGRAMMETRY PREPARED BY COL-EAST, INC. AND FLOWN ON APRIL 20, 2010. DATA SHOWN WAS TAKEN FROM DIGITALLY COMPILED MANUSCRIPTS. NATIONAL MAPPING STANDARDS INDICATE THAT 90% OF ALL CONTOURS SHOWN SHALL BE WITHIN ONE HALF (1/2) OF THE CONTOUR INTERVAL, AND THE REMAINING 10% SHALL NOT BE IN ERROR BY MORE THAN THE CONTOUR INTERVAL.

LEGEND:	
	ELEVATION CONTOUR
	SPOT ELEVATION
	AOC BOUNDARY
	PARCEL BOUNDARY
	24" WATER MAIN
	1" UTILITY LINE
	12" UTILITY LINE
	ELECTRIC LINE
	WATER LINE



		Aptim Environmental & Infrastructure, LLC 17 Princess Road Lawrenceville, NJ 08648	
DESIGNED BY:	---	FIGURE 2	
DRAWN BY:	A.Y.	EXISTING CONDITIONS-2016	
CHECKED BY:	C. Leavy	PPG HCC - SITE 174	
APPROVED BY:	C. Leavy	DENNIS P. COLLINS PARK	
DATE:	1/17/21	SCALE:	AS SHOWN
DRAWING NO.	631230830-E9-2	SHEET NO.	1 of 2

P:\Projects\631230830-E9-2\Drawings\Site\Site Plan\Site Plan.dwg
 Date: 1/17/21 10:00 AM
 User: C. Leavy