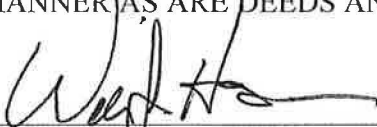


**DEED NOTICE**

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] Global Director - Remediation  
Design and Construction  
[Bayfront Redevelopment LLC]



20171214010145910 1/38  
12/14/2017 02:35:28 PM DEED  
Bk: 9265 Pg: 471  
Diane Coleman  
Hudson County, Register of Deeds  
Receipt No. 1312787

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

\_\_\_\_\_  
[Print name below signature]

**DEED NOTICE CONCERNING CONTROLS  
INSTALLED TO CONTAIN CHROMIUM  
CONTAMINATION UNDERLYING THE  
PROPERTY AND RESTRICTIONS CONCERNING  
THE USE OF THE PROPERTY**

This Deed Notice is made as of the <sup>4<sup>th</sup></sup> day of December, 2017, by *Bayfront Redevelopment LLC*, whose post office address is *115 Tabor Road, Morris Plains, New Jersey 07950*. "Owner" shall mean Bayfront Redevelopment LLC together with its successors and assigns, including all successors in interest in the Property which is the subject of this Deed Notice as described fully below. The "Property" (also referenced herein as the "Restricted Area(s)") shall consist of those lands particularly described by metes and bounds in Exhibit A-2 attached hereto.

1. THE PROPERTY. Bayfront Redevelopment LLC is the current owner in fee simple of certain real property designated as portions of *Block 21901, Lots 6, 7, and 8 on the tax map of the City of Jersey City, Hudson County, New Jersey*<sup>1</sup>. The New Jersey Department of Environmental Protection ("NJDEP") Program Interest ("PI") Number for the contaminated site which includes this property is *Hudson County Chromate Site No. 115 PI# G000002548*. The Property is part of

<sup>1</sup> All references to Block 21901 Lots 6 through 8 in this Deed Notice shall mean the applicable portions of Block 21901 Lots 6 through 8 as shown in the metes and bounds description, regardless of whether the word "portion(s)" is specifically called out or not.

the site referred to as Study Area 7 (Site 115), and is the subject of an Administrative Consent Order (“ACO”) between Honeywell International Inc. (“Honeywell”) and the Department dated June 17, 1993; and a Court-Ordered Remedy pursuant to the U.S. District Court of New Jersey (“Court”) Final Judgment in *Interfaith Community Organization v. Honeywell International Inc.*, Case No. 95-2097, entered on June 30, 2003, and amended by Modified Order Amending Injunction dated January 13, 2012 (ECF No. 1116). Study Area 7 has been remediated by Honeywell and received a No Further Action/Covenant Not to Sue for Soils letter from NJDEP, dated December 23, 2010. The Modified Order Amending Injunction, paragraphs 4-5, requires hydraulic controls in the vicinity of the eastern border of SA-7 in order to prevent re-contamination of SA-7 by groundwater flow from the area to the east known as Study Area 5.

## 2. REMEDIATION.

i. The Bureau of State Case Management (“BCM”) is the Department’s program that is responsible for the oversight of the remediation of the SA-7 Property. The matter was Case No. Hudson County Chromate Site No. 115 PI# G000002548. The Department has approved this Deed Notice as an institutional control for the Property, which is part of the remediation of the Property.

ii. N.J.A.C. 7:26-C-7 requires the Owner, among other persons, including the responsible party Honeywell International, Inc. (“Honeywell”), to obtain a remedial action permit for the remedial action at the Property. That permit will contain the monitoring, maintenance and biennial certification requirements that apply to the Property.

3. SOIL AND GROUNDWATER CONTAMINATION. Honeywell, a corporation of the State of Delaware, licensed to do business in the State of New Jersey, whose post office address is 115 Tabor Road, Morris Plains, New Jersey 07950, has remediated the Property to address chromium-related soil and shallow groundwater contamination.

The Court Remedy 100% Design for SA-7 was approved by the Court on March 14, 2005. Remediation was completed at SA-7 to comply with the court order to remove all materials containing hexavalent chromium in excess of 240 milligrams per kilogram (mg/kg). The remedial action achieved compliance with the Department’s current most stringent soil cleanup criteria of 20 mg/kg, with the exception of a small portion of SA-7 at the bulkhead along the Hackensack River that is subject to a separate Deed Notice (Deed Notice #4). Honeywell submitted to the Special Master, and filed with the Court, Excavation Declarations, which documented the successful excavation, removal and off-site disposal of chromium contaminated soils on Study Area 7, and the backfilling of Study Area 7 with clean soil. See Amended Order Modifying Injunction (ECF No. 1116). Remedial actions for soils are also documented in a Remedial Action Report for Soils submitted to the New Jersey Department of Environmental Protection during December 2010. The Department issued a No Further Action/Covenant Not to Sue letter, dated December 23, 2010.

As documented in the Remedial Action Report for Soils, the Property encompasses the eastern portion of the Soil-Cement-Bentonite (SCB) underground hydraulic barrier wall of SA-7 (“Eastern SCB Wall”) and the associated eastern perimeter pool which, together, serve as a portion of the chromium remedy for SA-7 in order to protect SA-7 from re-contamination in accordance with the Amended Order Modifying Injunction (ECF No. 1116). The Property is approximately 26,000 square feet. One area of the Property along the western face of the Eastern SCB Wall contains

contaminants in concentrations that do not allow for the unrestricted use of the Property. This contamination is described, including the type, concentration and specific location, in Exhibit B, which is attached hereto and made a part hereof.

4. CONSIDERATION. In accordance with the remedial actions implemented by Honeywell at Hudson County Chromate Site 115 which included portions of the Property, and the Department's issuance of the No Further Action/Covenant Not to Sue letter for SA-7, and in consideration of the terms and conditions of that approval, and other good and valuable considerations, Owner has agreed to subject the Property to certain statutory and regulatory requirements which impose restrictions upon the use of the Property, to restrict certain uses of the Property, and to provide notice to subsequent owners, lessees and operators 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 the Eastern SCB Wall and associated eastern perimeter pool of SA-7 and contamination at one location of Eastern SCB Wall remaining at concentrations that do not allow for unrestricted use, Owner has agreed, as part of the remedial action for the Property, to restrict the use of the Property (the "Restricted Areas"); a narrative description of these restrictions, along with the associated monitoring and maintenance activities and the biennial certification requirements are provided in Exhibit C, which is attached hereto and made a part hereof. Owner will develop a binder containing a list of these restrictions which will be maintained at either the onsite trailers or within the Groundwater Treatment Plant building, available for review and inspection by governmental enforcement officials if requested.

5B. RESTRICTED LAND USES. The following statutory land use restrictions apply to the Property:

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 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 without the Department's prior written approval.

5C. ENGINEERING CONTROLS. Due to the presence and concentration of the on-site contaminants and off-site chromium-contaminated groundwater to the east, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls on the Property, including the Eastern SCB Wall and eastern perimeter pools and associated piezometers, and, in the area along the face of the Eastern SCB Wall with contamination, 4 feet of clean cover (crushed stone) and an asphalt cap. A narrative description of these engineering controls, along with the associated monitoring and maintenance activities and the biennial certification requirements are provided in Exhibit C. Honeywell shall be responsible for monitoring and maintenance of engineering controls and biennial certification requirements as

specified in the Integrated Groundwater Sampling and Analysis Plan for Study Areas 5, 6 and 7, dated April 29, 2014, and Paragraphs 7A&B, and Exhibit C herein.<sup>2</sup>

#### 6A. CHANGE IN OWNERSHIP AND REZONING.

i. The Owner and the subsequent owners and lessees, shall cause all leases, grants, and other written transfers of an interest in the Property 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](http://www.nj.gov/srp/forms) within thirty (30) calendar days after the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Property.

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](http://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, lessees and operators while each is an owner, lessee, or operator of the Property.

#### 7A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. The Owner and all subsequent owners and lessees shall notify any person, including, without limitation, tenants, employees of tenants, developers, and contractors, intending to conduct invasive work or excavate within the Property, of the nature and location of contamination and engineering controls within the Property, and, of the precautions necessary to minimize 1) potential human exposure, and exposure of the environment, to contaminants, and 2) damage to the engineering controls.

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 except as (a) without first obtaining a Soil Remedial Action Permit Modification from the Department. 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.

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<sup>2</sup> The Integrated Groundwater Sampling and Analysis Plan is available at the following website: <http://www.jerseycitychromiumcleanup.com/>.

iii. Notwithstanding subparagraph 7A.ii., above, a Remedial Action Permit modification is not required for any alteration, improvement, or disturbance provided that:

(A) The Department of Environmental Protection is notified of the activity by calling the DEP Hotline, at 1-877-WARN-DEP or 1-877-927-6337, within twenty-four (24) hours after the beginning of each alteration, improvement, or disturbance; and

(B) Honeywell is notified of the activity by calling 855-727-2658; and

(C) Honeywell restores any disturbance of an engineering control to pre-disturbance conditions within sixty (60) calendar days after the initiation of the alteration, improvement or disturbance; and

(D) All applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance, and during the restoration; and

(E) Appropriate measures are taken so that human exposure, and exposure of the environment outside the containment of the engineering controls, to contamination in excess of the applicable remediation standards does not occur; and

(F) The next biennial certification includes a description of the nature of the alteration, improvement, or disturbance, the dates and duration of the alteration, improvement, or disturbance, the name of key individuals and their affiliations conducting the alteration, improvement, or disturbance, a description of the notice the Owner gave to those persons prior to the disturbance, the amounts of soil generated for disposal, if any, the final disposition and any precautions taken to prevent exposure.

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 immediate environmental concern, see N.J.S.A. 58:10C-2, any person may temporarily breach an engineering control provided that:

i. The Department of Environmental Protection is immediately notified of the emergency, by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337; and

ii. Honeywell is immediately notified of the emergency by calling 855-727-2658; and

iii. The actual disturbance and the time needed for the disturbance are limited to the minimum reasonably necessary to adequately respond to the emergency; and

iv. All measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the contamination are implemented; and

v. The Department of Environmental Protection is notified when the emergency has ended by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337; and

vi. Honeywell is notified when the emergency has ended by calling 855-727-2658; and

vii. Honeywell restores the engineering control to the pre-emergency conditions as soon as possible, and submits a written report to the Department of Environmental Protection of such emergency and restoration efforts within sixty (60) calendar days after completion of the restoration of the engineering control, including: (a) the nature and likely cause of the emergency, (b) the potential discharges of or exposures to contaminants, if any, that may have occurred, (c) the measures that have been taken to mitigate the effects of the emergency on human health and the environment, (d) the measures completed or implemented to restore the engineering control, and (e) the changes to the engineering control or site operation and maintenance plan to prevent recurrence of such conditions in the future.

**8A. MONITORING AND MAINTENANCE OF DEED NOTICE, AND PROTECTIVENESS CERTIFICATION.** The persons in any way responsible, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq., for the hazardous substances that remain at the Property, the persons responsible for conducting the remediation, Honeywell, the Owner, and the subsequent owners, lessees, and operators, shall monitor and maintain this Deed Notice. The subsequent owners, lessees and operators have this obligation only during their ownership, tenancy, or operation. Honeywell shall certify to the Department on a biennial basis that the remedial action that includes this Deed Notice remains protective of the public health and safety and of the environment. The specific obligations to monitor and maintain the deed notice shall include all of the following:

i. Monitoring and maintaining this Deed Notice according to the requirements in Exhibit C, to ensure that the remedial action that includes the Deed Notice continues to be protective of the public health and safety and of the environment;

ii. Conducting any additional remedial investigations and implementing any additional remedial actions, that are necessary to correct, mitigate, or abate each problem related to the protectiveness of the remedial action for the Property prior to the date that the certification is due to the Department pursuant to iii, below, in order to ensure that the remedial action that includes this Deed Notice remains protective of the public health and safety and of the environment.

iii. Certifying to the Department of Environmental Protection the continued protectiveness of the remedial action that includes this Deed Notice, on a form provided by the Department and consistent with N.J.A.C. 7:26C-1.2 (a)1, every two years on the anniversary of the date stamped on the Deed Notice that indicates when the Deed Notice was recorded.

**8B. MONITORING AND MAINTENANCE OF ENGINEERING CONTROLS, AND PROTECTIVENESS CERTIFICATION.** Honeywell shall maintain all engineering controls at the Property and certify to the Department on a biennial basis that the remedial action of which each engineering control is a part remains protective of the public health and safety and of the environment. The specific obligations to monitor and maintain the engineering controls shall include the following:

i. Monitoring and maintaining each engineering control according to the requirements in Exhibit C herein, and the Integrated Groundwater Sampling and Analysis Plan, to ensure that the remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment;

ii. Conducting any additional remedial investigations and implementing any additional remedial actions, that are necessary to correct, mitigate, or abate each problem related to the protectiveness of the remedial action for the Property prior to the date that the certification is due to the Department pursuant to iii, below, in order to ensure that the remedial action that includes the engineering control remains protective of the public health and safety and of the environment; and

iii. Certifying to the Department of Environmental Protection the continued protectiveness of the remedial action that includes the engineering control, on a form provided by the Department and consistent with N.J.A.C. 7:26C-1.2 (a)1, every two years on the anniversary of the date stamped on the Deed Notice that indicates when the Deed Notice was recorded.

9. ACCESS. The Owners, 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 persons responsible for monitoring the protectiveness of the remedial action, as described in Paragraph 8, above, fail to conduct such remediation pursuant to this Deed Notice as required by law. The Owner, and the subsequent owners and lessees, shall also cause all leases, subleases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring that all holders thereof provide such access to the Department.

#### 10. NOTICES.

i. Owner shall cause all leases, grants, and other written transfers of an interest in the Property 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. Honeywell or the owner shall notify any person intending to conduct invasive work or excavate within the Property of the nature and location of contamination and the engineering controls, and of the precautions necessary to minimize potential human exposure, and exposure of the environment outside the containment of the engineering controls, to contaminants and to protect the engineering controls.

iii. Owner shall provide written notice to the Department of Environmental Protection at least thirty (30) calendar days before the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Property.

iv. Owner shall provide written notice to the Department within thirty (30) calendar days following the Owner's receiving notice of any petition for a rezoning of the Property. The Owner shall submit the written notice to:

Department of Environmental Protection  
Division of Remediation Management and Response  
Bureau of Operation, Maintenance and Monitoring  
Deed Notice Inspection Program  
P.O. Box 413  
401 E. State Street  
Trenton, NJ 08625-0413.

#### 11. 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 on this Property.

ii. The restrictions provided herein may be enforceable 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.

12. 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 if the provision had never been included herein. In either case, the remaining provisions of this Deed Notice shall remain in full force and effect.

#### 13. MODIFICATION AND TERMINATION.

i. Any person may request in writing, at any time, that the Department modify this Deed Notice where performance of subsequent remedial actions, a change of conditions at the Property, or the adoption of revised remediation standards suggest that modification of the Deed Notice would be appropriate and would be consistent with Honeywell's continuing obligation to maintain compliance with the requirements of the Amended Order Modifying Injunction, ECF No. 1116, in *Interfaith Community Organization v. Honeywell International Inc.*, D.N.J., Case No. 95-2097.

ii. Any person may request in writing, at any time, that the Department terminate this Deed Notice because the conditions which triggered the need for this Deed Notice are no longer applicable.



- iii. Notice of any requested modification or termination of this Deed Notice shall be given to Honeywell. Within five (5) business days of receiving notice, Honeywell must provide written notice to the plaintiffs in *Interfaith Community Organization v. Honeywell International Inc.*, D.N.J., Case No. 95-2097.
- iv. If NJDEP concludes that this Deed Notice shall be modified or terminated, such modification or termination will only be effective upon the filing of a Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the office of the Register of Deeds of Hudson County, New Jersey, expressly modifying or terminating this Deed Notice.
- v. Within thirty (30) calendar days after the filing of a Termination of Deed Notice, the owner of the Property shall apply to the Department for modification or termination of the Soil Remedial Action Permit pursuant to N.J.A.C. 7:26C-7.
- vi. This Deed Notice may be modified only if it has first been terminated pursuant to subparagraph 13iii above, and upon filing of a modified Deed Notice, executed by the Owner of the Property, in the office of the Register of Deeds of Hudson County, New Jersey.

14A. 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;
- ii. Exhibit A-2: Metes and Bounds Description of the Property - A metes and bounds description of the Property, including reference to tax lot and block numbers for the Property and a Tax Map;
- iii. Exhibit A-3: Property Map - Scaled maps 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; the map(s) shall include diagrams of major surface topographical features such as buildings, roads, and parking lots. After any development of the Property, this Deed Notice shall be modified to show new or modified topographical features constructed on the Property such as buildings, roads and parking lots.

14B. EXHIBIT B. Exhibit B includes the following descriptions of the Property:

- i. Exhibit B-1 (Exhibits B-1A, B-1B, B-1C, and B-1D): Property Maps - Maps for the Property that include, as applicable:
  - (A) As-built diagrams of each engineering control, including caps, fences, hydraulic barrier walls, eastern perimeter pools, ground water monitoring wells, and ground water pumping system;
  - (B) As-built diagrams of any buildings, roads, parking lots and other structures that function as engineering controls; and

(C) Designation of the Eastern SCB Wall sample location within the Property that exceeds any standard that is keyed into one of the tables described below.

ii. Exhibit B-2 (Table B-2): Property Data Tables - 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 Property 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 (or if historic fill, include data from the Department's default concentrations at N.J.A.C. 7:26E-4.6, Table 4-2).

14C. EXHIBIT C. Exhibit C includes narrative descriptions of the institutional controls and engineering controls as follows:

i. Exhibit C-1A through C-1B. Exhibit C-1A: Deed Notice as Institutional Control; Exhibit C-1B: Zoning as Institutional Control: Exhibit C-1 includes a narrative description of the restrictions and obligations of this Deed Notice that are in addition to those described above, as follows:

(A) General Description of the Institutional Control:

- (1) Description and estimated size of the Property as described above;
- (2) Description of the restrictions on the Property by operation of this Deed Notice and the other Institutional Controls; and
- (3) The objective of the restrictions;

(B) Description of the monitoring necessary to determine whether:

- (1) Any disturbances of the Property resulted in the unacceptable exposure to the contamination or damage to the engineering controls;
- (2) There have been any land use changes subsequent to the filing of this Deed Notice and the other Institutional Controls or the most recent biennial certification, whichever is more recent;
- (3) The current land use on the Property is consistent with the restrictions in this Deed Notice and the other Institutional Controls;

(4) Any newly promulgated or modified requirements of applicable regulations or laws apply to the Property; and

(5) Any new standards, regulations, or laws apply to the Property that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice and the other Institutional Controls, and conduct the necessary sampling; and

(C) Description of the following items that will be included in the biennial certification:

(1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice and the other Institutional Controls;

(2) Land use at the Property is consistent with the restrictions in this Deed Notice and the other Institutional Controls; and

(3) The remedial action that includes this Deed Notice and the other Institutional Controls continues to be protective of the public health and safety and of the environment.

ii. Exhibit C-2A through C-2C:

Exhibit C-2 includes a narrative description of the engineering controls as follows:

(A) General Description of the engineering control:

(1) Description of the engineering control;

(2) The objective of the engineering control; and

(3) How the engineering control is intended to function.

(B) Description of the operation and maintenance necessary to ensure that:

(1) Periodic inspections of each engineering control are performed in order to determine its integrity, operability, and effectiveness;

(2) Each engineering control continues as designed and intended to protect the public health and safety and the environment;

(3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;

(4) The engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;

(5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of the engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/performance of the engineering control; and

(6) Any new standards, regulations, or laws apply to the Property that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

- (C) Description of the following items that will be included in the biennial certification:
- (1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;
  - (2) The engineering control continues to operate as designed; and
  - (3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.



**EXHIBIT A**  
**Deed Notice #14 SA-7 Eastern Perimeter Pool**

**A-1 Vicinity Map**

**A-2 Metes and Bounds Description and Tax Map**

**A-3 Portions of Block 21901 Lots 6, 7, and 8, City of Jersey City, New Jersey**

Exhibit A-1 Vicinity Map consists of a road map for the vicinity of the Property.

Exhibit A-2 consists of the metes and bounds and a tax map for the Property.

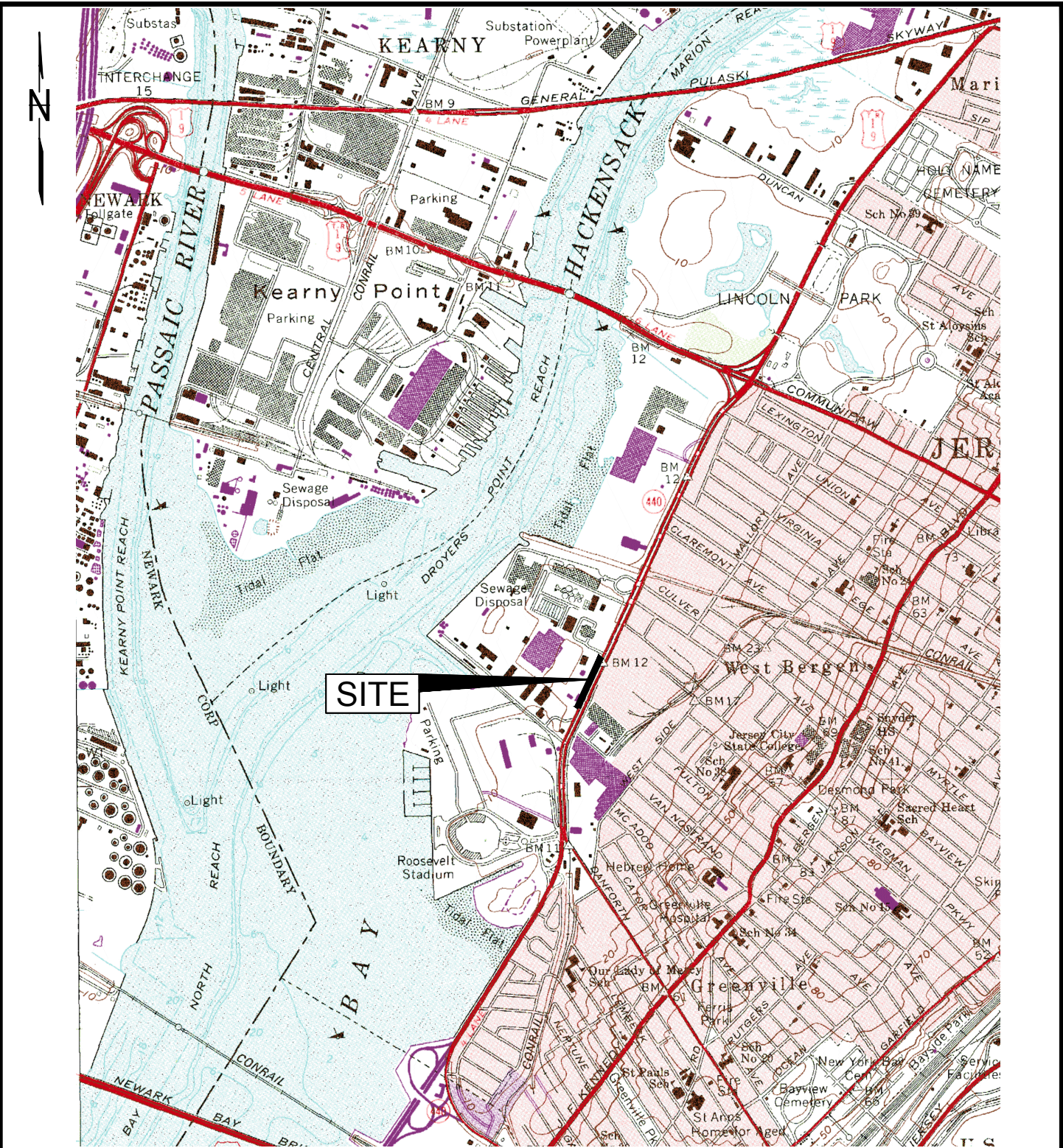
Exhibit A-3 Property Map consists of a figure indicating major surface features and engineering controls for the Property. After any development of the Property, this Deed Notice shall be modified to show all modified or new topographical features constructed on the Property, such as buildings, roads and parking lots.

**Exhibit A-1  
Site Vicinity Map  
Jersey City, New Jersey**

EXHIBIT A-1  
SITE VICINITY MAP  
PORTIONS OF STUDY AREA 7 SITE 115  
JERSEY CITY, NEW JERSEY

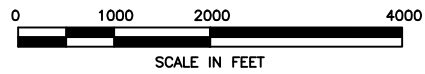


CONFIDENTIAL AND MAY NOT BE COPIED OR DISCLOSED; AND (D) THIS DOCUMENT MAY ONLY BE USED BY THE CLIENT IN THE CONTEXT AND FOR THE EXPRESS PURPOSE FOR WHICH IT HAS BEEN DELIVERED. ANY OTHER USE OR RELIANCE ON THIS DOCUMENT BY ANY THIRD PARTY IS AT THAT PARTY'S SOLE RISK AND RESPONSIBILITY.  
 P:\CADD\HONEYWELL\JERSEY CITY\_SA\_6\_NORTH\3480150487\_6100\610001\DEED\_NOTICE\DN\_14\_3480150487-6100-A114-0000.dwg Tue, 28 Nov 2017 10:57am scott.rudin



SOURCE: USGS QUADRANGLE MAP, 7.5 MIN SERIES  
 JERSEY CITY, NJ-NY 1967, PHOTO REVISED 1981

 RESTRICTED AREA



Amec Foster Wheeler PROJECT No. 3480150483 DRAWING: 3480150487-6100-A114-0000	
PREPARED/DATE: STR 12/15/16	CHECKED/DATE: NW 01/31/17

**amec foster wheeler** 

ENVIRONMENT & INFRASTRUCTURE, Inc.  
 200 AMERICAN METRO BLVD, SUITE 113  
 HAMILTON, NEW JERSEY 08619

**EXHIBIT A-1**  
 VICINITY MAP  
 BLOCK 21901, LOTS 6, 7 & 8  
 SA-7  
 JERSEY CITY, NEW JERSEY  
 DEED NOTICE #14



**Exhibit A-2**  
**Deed Notice #14 SA-7 Eastern Perimeter Pool**

**Metes and Bounds Description of Property: See Attached**  
**Tax Map: See Attached**

A-2 Metes and Bounds Description of Property Block 21901 Lots 6, 7, 8  
City of Jersey City, New Jersey

**If there is any discrepancy between the Metes and Bounds and the tax map or any other maps attached hereto, the Metes and Bounds prevails.**

The Property is identified as portions of Block 21901 Lots 6, 7, 8 on the City of Jersey City tax maps, the Property being presently owned by Bayfront Redevelopment LLC. A copy of the current tax map which includes the Property is attached as Exhibit A-2.



Consulting, Municipal & Environmental Engineers  
Planners ▪ Surveyors ▪ Landscape Architects

331 Newman Springs Road  
Suite 203  
Red Bank, NJ 07701  
Tel: 732.383.1950 ▪ Fax: 732.383.1984

**DESCRIPTION OF PROPERTY  
CITY OF JERSEY CITY  
HUDSON COUNTY, NEW JERSEY  
PROJECT NO. 10000292R**

**DEED NOTICE AREA 14  
BLOCK 21901 LOTS 6, 7 & 8  
DECEMBER 15, 2016**

All that certain lot, tract or parcel of land situate lying and being in the City of Jersey, in the County of Hudson and State of New Jersey, and being a portion of Lots 6, 7 & 8 Block 21901, designated as Deed Notice Area 14 as shown on an exhibit entitled, "Deed Notice Area 14, SA7, Block 21901, Lots 6, 7 & 8, City of Jersey City, Hudson County, New Jersey," prepared by Maser Consulting P.A., dated December 8, 2016 and being more particularly bounded and described as follows, to wit:


**BEGINNING** at the intersection of the westerly line of New Jersey State Highway Route 440 (112 foot wide right of way), said line being 61.00 feet westward at right angles to the centerline thereof, and the division line between Lot 8 in Block 21901, and Lot 8 Block 24601, and running; thence-

1. **N 49°06'05" W, 9.97 feet**, along said division line between Lot 8 in Block 21901 and Lot 8 in Block 24601, to a point in the easterly face of the hydraulic barrier wall; thence-

Running through said Lot 8 Block 21901, along the easterly and northerly face of said hydraulic barrier wall the following two (2) courses:

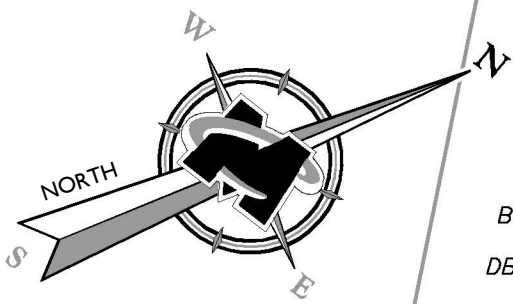
2. **N 44°21'39" E, 3.70 feet**; thence-
3. **N 49°10'40" W, 26.70 feet**; thence-
4. **N 24°46'55" E, 757.13 feet**, to the southerly line of Deed Notice Area 5; thence-
5. **S 49°06'51" E, 35.39 feet**, to the aforesaid westerly line of New Jersey State Highway Route 440; thence-
6. **S 24°46'55" W, 760.95 feet** to the point and place of **BEGINNING**.

**CONTAINING:** 25,776 S.F. of land more or less or 0.592 acres of land more or less.

  
GLEN J. LLOYD, P.L.S.  
NEW JERSEY PROFESSIONAL LAND SURVEYOR  
LICENSE NUMBER GS037598

12/15/16  
DATE SIGNED

R:\General\Projects\2010\10000292R\Survey\Description\Metes & Bounds-Deed Notice 14.docx



BLOCK 24601  
LOT 6  
DB 7345 PG. 1

BLOCK 21901  
LOT 8  
DB 7452 PG. 62

BLOCK 24601  
LOT 7  
DB 7456 PG. 314

BLOCK 24601  
LOT 12

BLOCK 21901  
LOT 7  
DB 7452 PG. 62

BL 24601  
LOT 10

BLOCK 24601  
LOT 8  
DB 7528 PG. 156

BLOCK 21901  
LOT 8  
DB 7452 PG. 62

AS-BUILT OPEN SPACE AREA  
LIMIT LINE

DEED NOTICE AREA 5  
LIMIT LINE

BLOCK 21901  
LOT 6  
DB 8642 PG. 118

DEED NOTICE  
AREA 5

BLOCK 21901  
LOT 5  
DB 8642 PG. 118

DEED NOTICE AREA #14  
(HATCH AREA)  
AREA=25,776± S.F.  
0.592 Ac.

AS-BUILT  
OPEN SPACE AREA

DEED NOTICE AREA 2  
LIMIT LINE

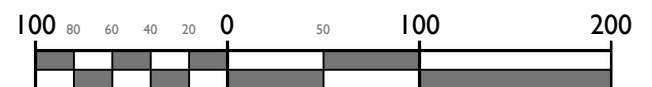
N 24°46'55" E 757.13'

DEED NOTICE  
AREA 2

S 24°46'55" W 760.95'

POINT OF  
BEGINNING

NEW JERSEY STATE HIGHWAY ROUTE 440 S  
(112' WIDE R.O.W.)



SCALE : 1" = 100'

Customer Loyalty through Client Satisfaction  
www.maserconsulting.com

Engineers ■ Planners ■ Surveyors  
Landscape Architects ■ Environmental Scientists

State of NJ, Cert. of Authorization: 24GA27986500

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REV	DATE	DRAWN BY	DESCRIPTION

DEED NOTICE AREA 14  
SA7

BLOCK 21901  
LOTS 6, 7 & 8

CITY OF JERSEY CITY  
HUDSON COUNTY  
NEW JERSEY

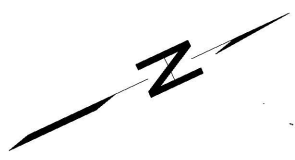
PROTECT YOURSELF  
ALL STATES REQUIRE NOTIFICATION  
OF EXCAVATORS DESIGNERS, OR  
ANY PERSON PREPARING TO  
DISTURB THE EARTH'S SURFACE  
ANYWHERE IN ANY STATE

Know what's below.  
Call before you dig.  
FOR STATE SPECIFIC DIRECT PHONE NUMBERS  
VISIT: WWW.CALL811.COM

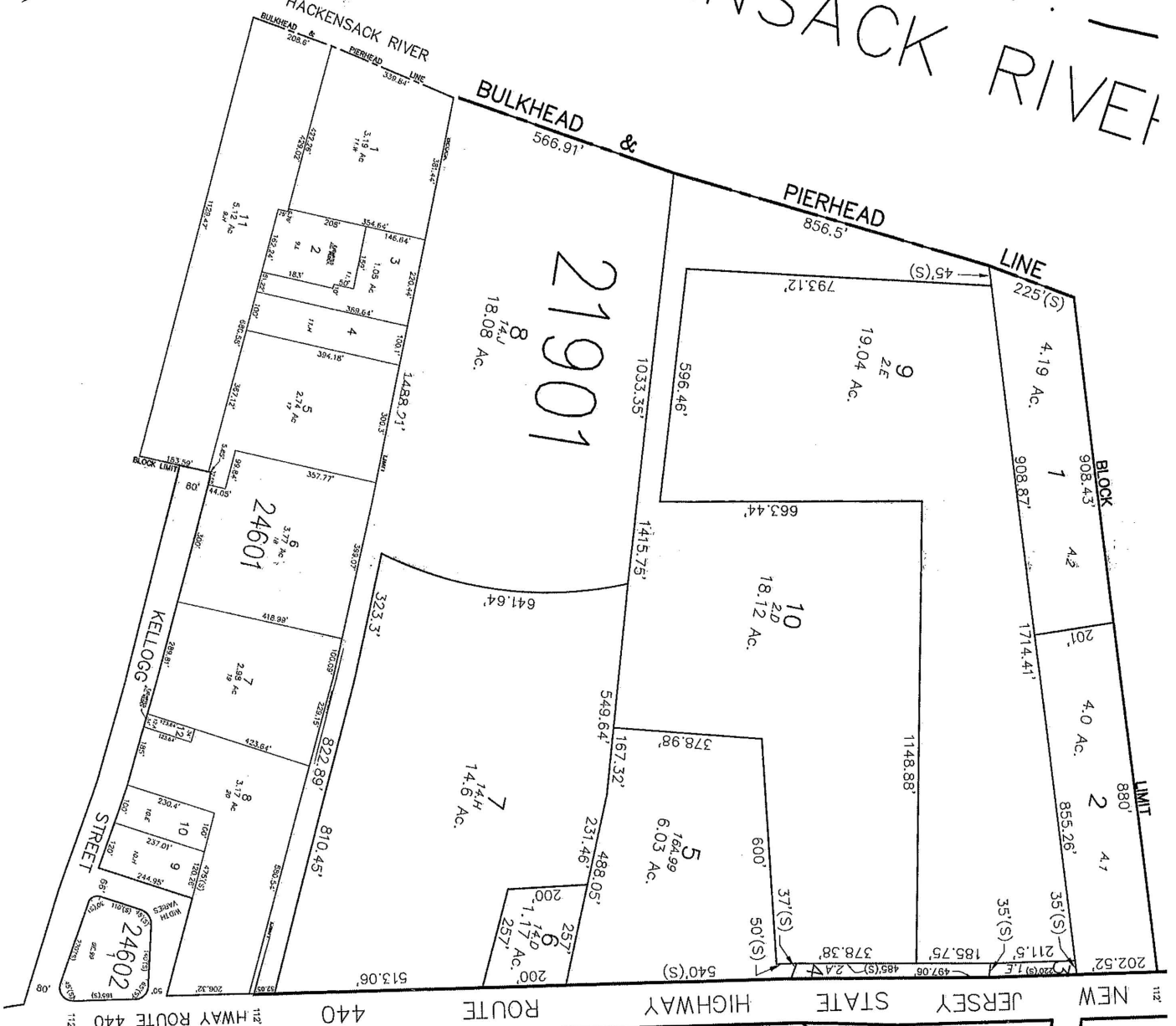
RED BANK OFFICE  
Corporate Headquarters  
331 Newnam Springs Road  
Suite 203  
Red Bank, NJ 07701  
Phone: 732.383.1950  
Fax: 732.383.1984

SCALE	DATE	DRAWN BY	CHECKED BY
AS SHOWN	12/8/16	HA	CJK
PROJECT NUMBER	DRAWING NAME		
10000292Q	V-EXBT-DN-14		
SHEET TITLE			
DEED NOTICE AREA 14			
SHEET NUMBER			
1 of 1			

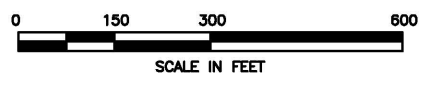
I, CADY HONEYWELL, JERSEY CITY, NJ, A PROFESSIONAL ENGINEER, HEREBY CERTIFIES THAT THIS DOCUMENT CONTAINS INFORMATION, AND THE CLIENT OF THIS DOCUMENT, HAS BEEN ADVISED OF THE ENGINEER'S OBLIGATIONS AND THE ENGINEER'S LIABILITY. THE ENGINEER'S OBLIGATION IS TO PROVIDE PROFESSIONAL SERVICES IN ACCORDANCE WITH THE PROFESSIONAL ENGINEERING ACT AND THE ENGINEER'S LIABILITY ACT. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE ENGINEER. THE ENGINEER'S LIABILITY IS NOT LIMITED BY THIS DOCUMENT. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE ENGINEER. THE ENGINEER'S LIABILITY IS NOT LIMITED BY THIS DOCUMENT. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE ENGINEER. THE ENGINEER'S LIABILITY IS NOT LIMITED BY THIS DOCUMENT.



# HACKENSACK RIVER



SEE SHEET 291



SOURCE:  
 DRAWING TITLED: "TAX MAP CITY OF JERSEY CITY", PREPARED BY  
 T&M ASSOCIATED, MIDDLETOWN TWP., NJ SHEETS 219 & 246,  
 DATED AUGUST, 2006; NEW JERSEY DEPARTMENT OF THE  
 TREASURY DIVISION OF TAXATION PROPERTY ADMINISTRATION  
 DATED MAY 8, 2009 SERIAL NO.: 934.

Amec Foster Wheeler PROJECT No. 3480150487 DRAWING: 3480150487-6100-A214-0000	
PREPARED/DATE: STR 12/15/16	CHECKED/DATE: NW 01/31/17

**amec foster wheeler**   
 ENVIRONMENT & INFRASTRUCTURE, Inc.  
 200 AMERICAN METRO BLVD, SUITE 113  
 HAMILTON, NEW JERSEY 08619

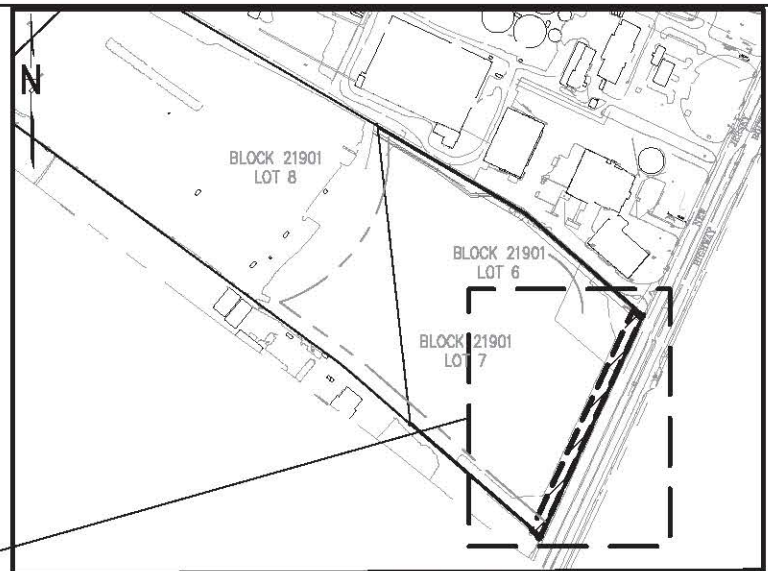
**EXHIBIT A-2**  
**TAX MAP**  
 BLOCK 21901, LOTS 6, 7 & 8  
 SA-7  
 JERSEY CITY, NEW JERSEY  
 DEED NOTICE #14

**Exhibit A-3  
Property Map**

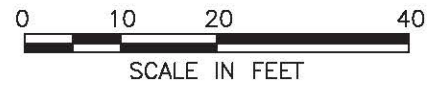
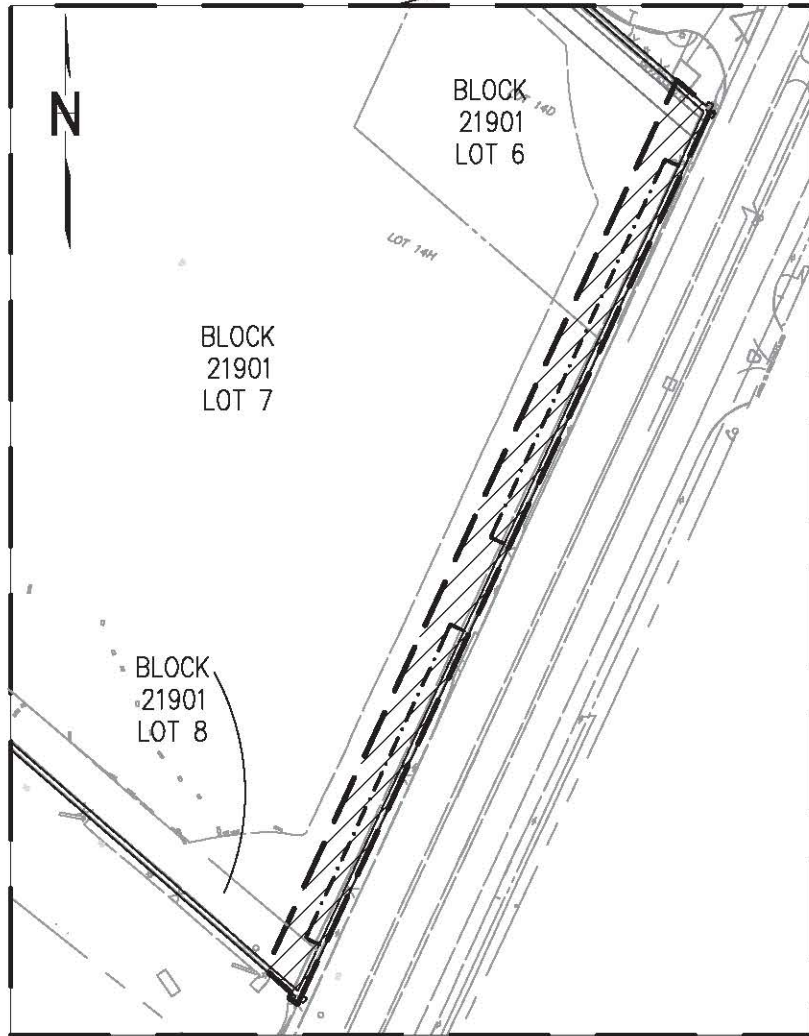
UNLESS OTHERWISE INDICATED IN A WRITTEN CONTRACT BETWEEN AMFC AND/OR MASER CONSULTING, P.A., THIS DOCUMENT CONTAINS INFORMATION, DATA AND DESIGN THAT IS CONFIDENTIAL AND MAY NOT BE COPIED OR DISCLOSED, AND THIS DOCUMENT MAY ONLY BE USED BY THE CLIENT IN THE CONTEXT AND FOR THE EXPRESS PURPOSE FOR WHICH IT HAS BEEN DELIVERED. ANY OTHER USE OR RELIANCE ON THIS DOCUMENT BY ANY THIRD PARTY IS AT THAT PARTY'S SOLE RISK AND RESPONSIBILITY.

**LEGEND**

-  PROPERTY BOUNDARY
-  RESTRICTED AREA



**KEY MAP**  
SCALE: 1" = 600'



**SOURCE REFERENCE:**

DRAWING TITLED: "ALTA/ASCM LAND TITLE SURVEY FOR BAYFRONT REDEVELOPMENT, LLC., BLOCK 21901 LOTS 5 THRU 10, PREPARED BY MASER CONSULTING, P.A. DATED 10/16/15 CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY"

DATUM:  
HORIZONTAL DATUM: NAD83  
VERTICAL DATUM: NGVD29

Amec Foster Wheeler PROJECT No. 3480150487  
DRAWING: 3480150487-6100-A314-0000

PREPARED/DATE: STR 12/15/16	CHECKED/DATE: NW 01/31/17
--------------------------------	------------------------------

**amec foster wheeler** 

ENVIRONMENT & INFRASTRUCTURE, Inc.  
200 AMERICAN METRO BLVD, SUITE 113  
HAMILTON, NEW JERSEY 08619

**EXHIBIT A-3**  
PROPERTY AREA MAP  
BLOCK 21901, LOTS 6, 7 & 8  
SA-7  
JERSEY CITY, NEW JERSEY  
DEED NOTICE #14

**EXHIBIT B**  
**Deed Notice #14 SA-7 Eastern Perimeter Pool**

**B-1 Property Maps**  
**B-2 Property Data Table**  
**Portions of Block 21901 Lots 6, 7, 8**  
**City of Jersey City, New Jersey**

Exhibit B-1 Property Maps include Exhibit B-1A (Property and Eastern SCB Wall Sample Location), Exhibit B-1B (Record Plan Perimeter Pool), Exhibit B-1C (Modified Perimeter Detail Typical Section and Sequence Notes), and Exhibit B-1D (Final Site Plan).

Exhibit B-2 is a Property Data Table indicating Eastern SCB Wall sample location with concentrations of contaminants remaining above the level established in the New Jersey Department of Environmental Protection (NJDEP) Chromium Policy.

**Property Map Notes:**

Exhibit B-1 indicates engineering controls that are chromium remedy components. For the Eastern SCB Wall location with hexavalent chromium concentrations above 20 mg/kg, the engineering controls include an asphalt cap and minimum of 4 feet of clean soil cover. The chromium remedy groundwater hydraulic controls for the eastern boundary of SA-7 engineering controls include the Eastern SCB Wall, the eastern perimeter pool, and associated piezometers, all of which are included in this deed notice.

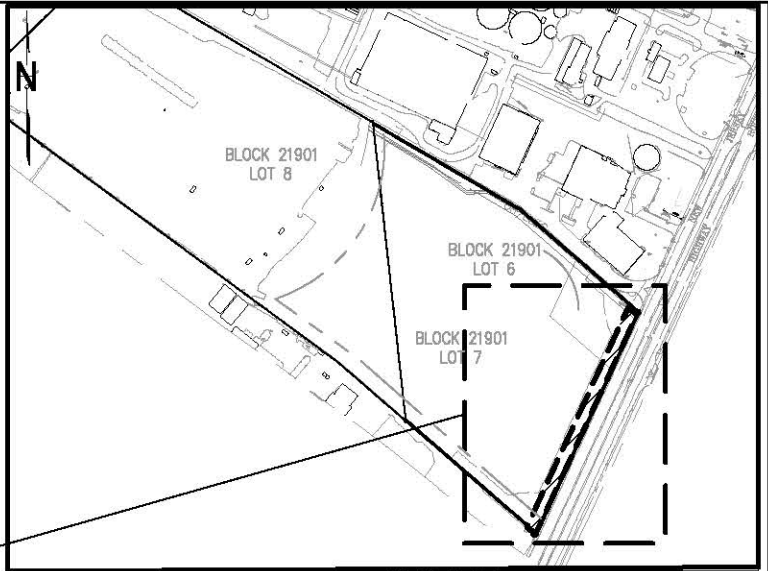
**Exhibit B-1**  
**Property Maps**



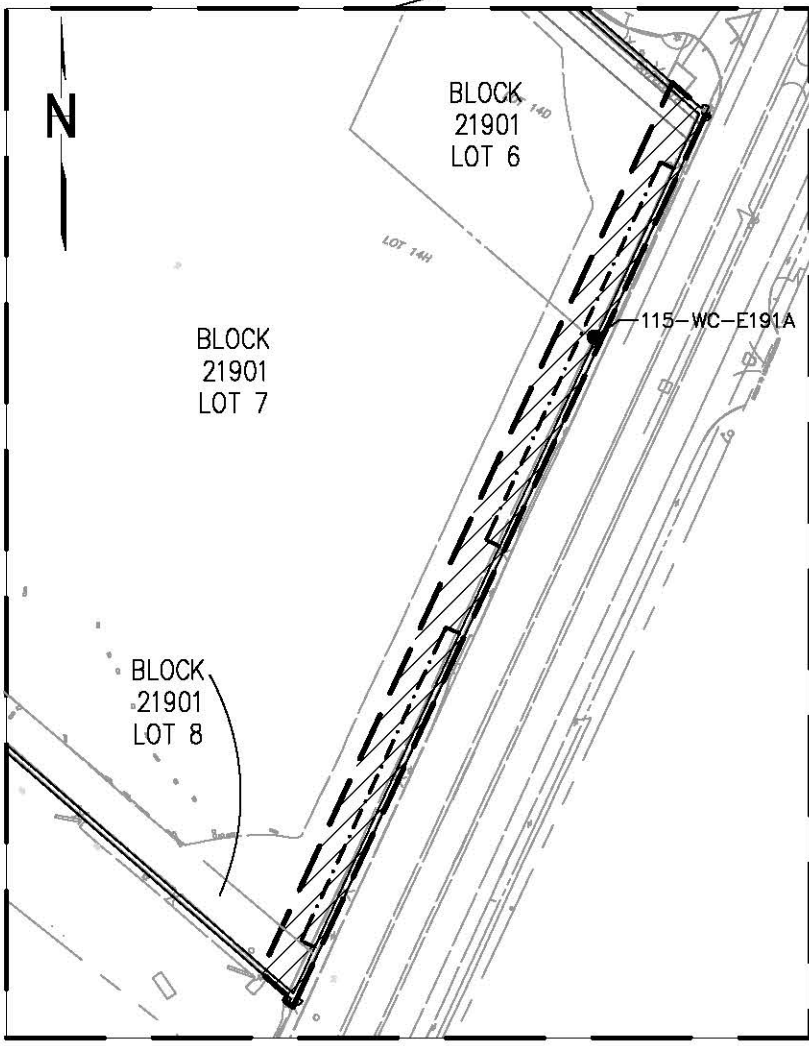
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**LEGEND**

- SOIL SAMPLE LOCATION  
HEXAVALENT CHROMIUM > 20 mg/kg  
(SEE EXHIBIT B-2)
- PROPERTY BOUNDARY
- ▬ SCB WALL
- - - PERIMETER POOL
- ▨ RESTRICTED AREA



**KEY MAP**  
SCALE: 1" = 600'



SOURCE REFERENCE:

DRAWING TITLED: "ALTA/ASCM LAND TITLE SURVEY FOR BAYFRONT REDEVELOPMENT, LLC., BLOCK 21901 LOTS 5 THRU 10, PREPARED BY MASER CONSULTING, P.A. DATED 10/16/15 CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY"

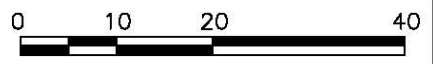
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VERTICAL DATUM: NGVD29

Amec Foster Wheeler PROJECT No. 3480150487  
DRAWING: 3480150487-6100-B014-0000

PREPARED/DATE: STR 12/15/16  
CHECKED/DATE: NW 01/31/17

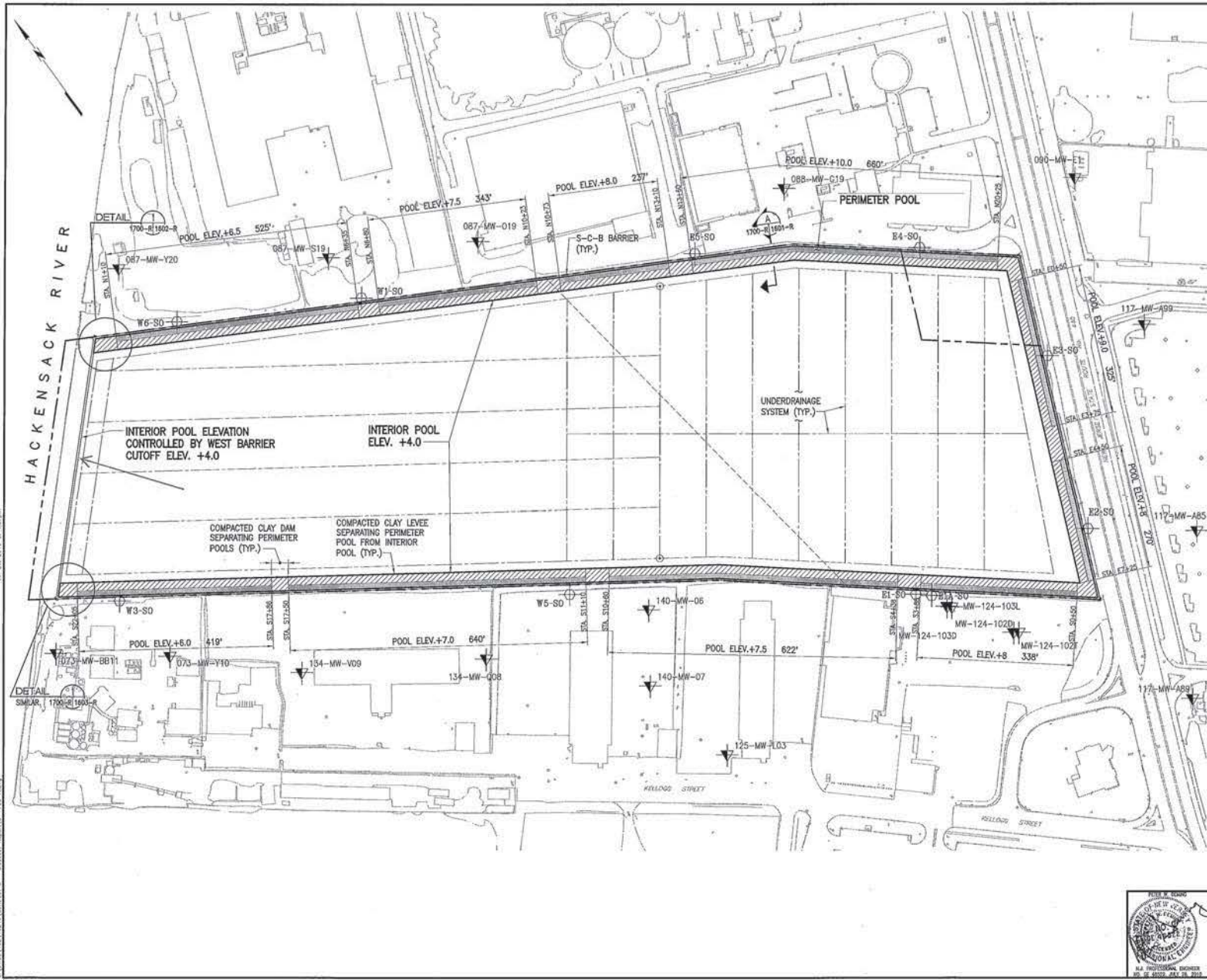
**amec foster wheeler**

ENVIRONMENT & INFRASTRUCTURE, Inc.  
200 AMERICAN METRO BLVD, SUITE 113  
HAMILTON, NEW JERSEY 08619



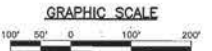
SCALE IN FEET

**EXHIBIT B-1A**  
RESTRICTED AREA MAP  
BLOCK 21901, LOTS 6, 7 & 8  
SA-7  
JERSEY CITY, NEW JERSEY  
DEED NOTICE #14



**Note:**  
 1. Perimeter details and pipe systems are illustrated on Drawings 1701-R, 1702-R and 1703-R

- Legend:**
- FILL TYPE A CLAY
  - FILL TYPE B GRANULAR FILL
  - E2-SO SHALLOW PIEZOMETER
  - 090-MW-E1 MONITORING WELL

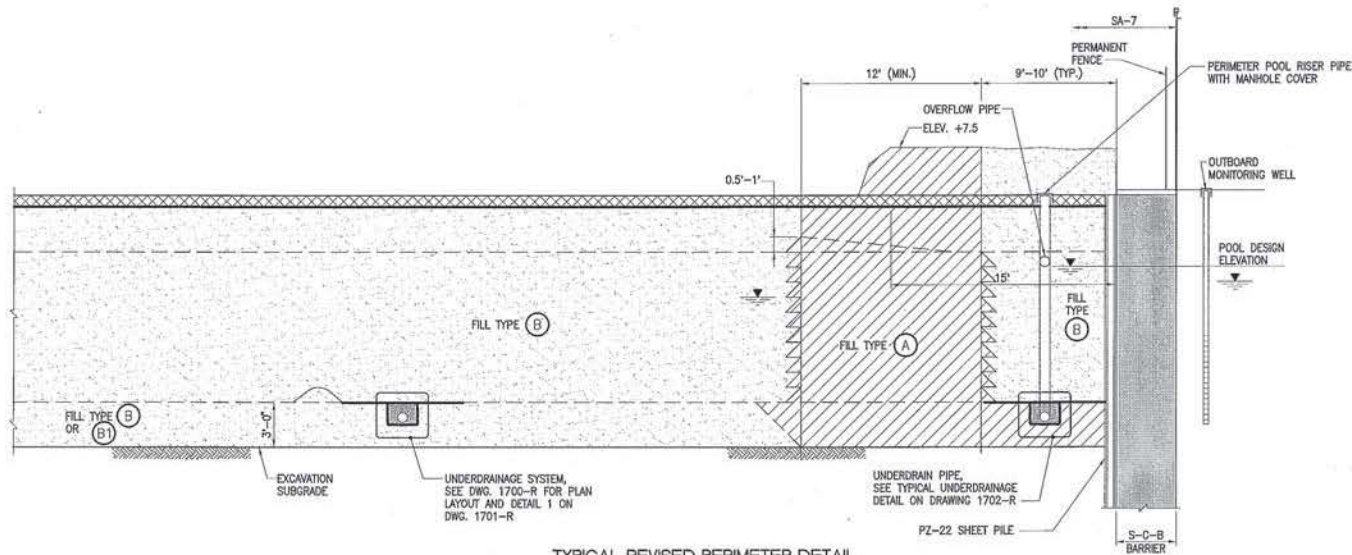


REV.	DATE	BY	DESCRIPTION
<b>STUDY AREA 7</b>			
JERSEY CITY		NEW JERSEY	
<b>Honeywell</b>			
101 COLUMBIA ROAD, MORRISTOWN, NEW JERSEY 07962			
PROJECT NO. <b>35037</b>			
<b>MUESER RUTLEDGE CONSULTING ENGINEERS</b>			
14 PENN PLAZA - 225 W. 34TH STREET, NEW YORK, NY 10122			
<b>Exhibit B-1B</b>			
SCALE	MADE BY B.B.	DATE 07-13-10	FILE NO.
AS NOTED	CHECKED BY K.R.	DATE 07-13-10	<b>10210</b>
<b>RECORD PLAN</b>			DRAWING NO.
<b>PERIMETER POOL</b>			<b>1700-R</b>



JUL 28, 2010 AT 4:37PM  
 C:\2003\10210\10210\Content & ...\Mueser\_Rutledge\1700-R.dwg

Jul 25, 2018 at 4:08pm  
 C:\Users\1021\Documents - Designer\Reports\1021-1601-R.dwg



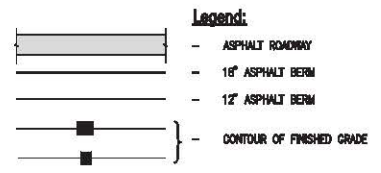
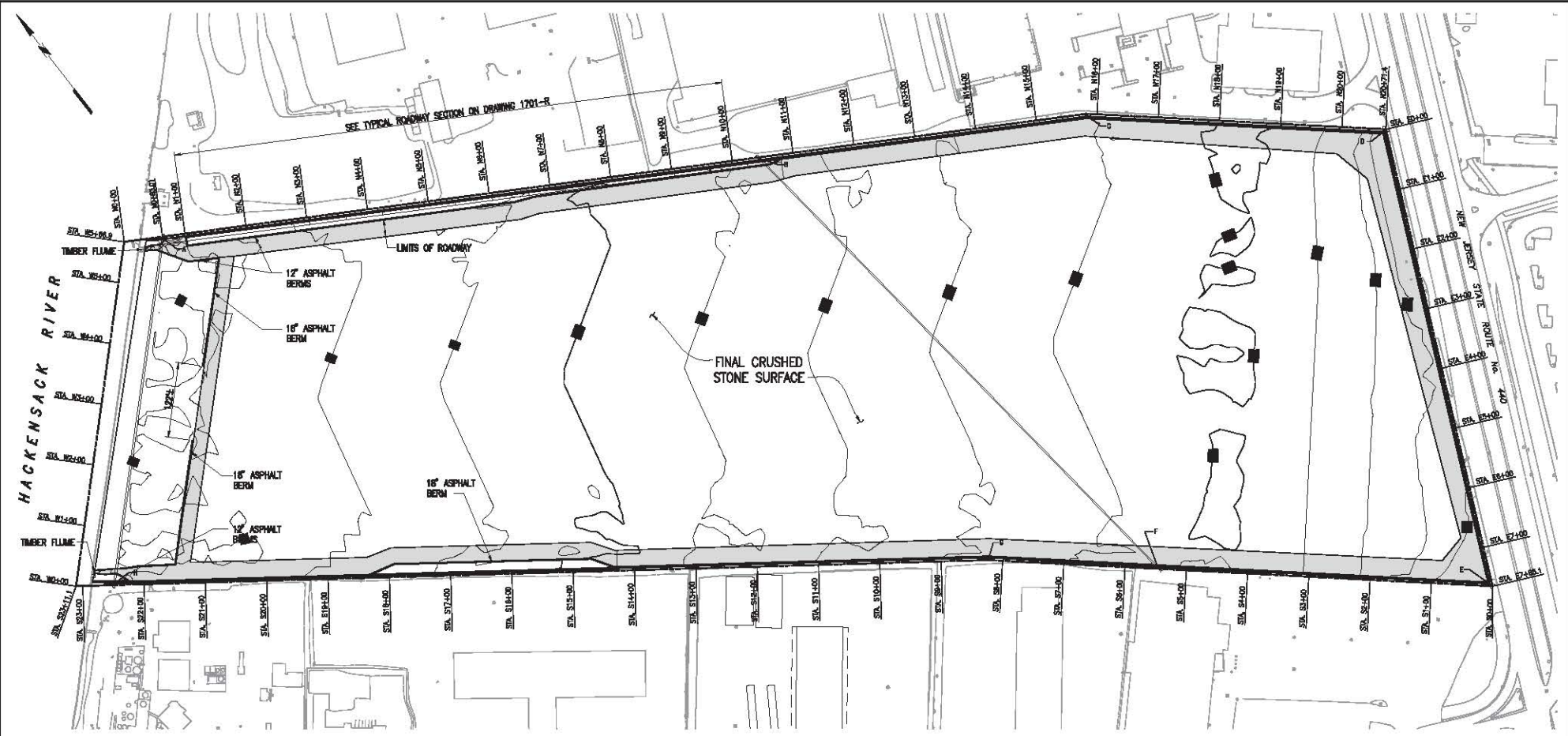
**TYPICAL REVISED PERIMETER DETAIL**  
 SECTION A  
 SCALE:  $\frac{1}{4}'' = 1'-0''$  1700-R | 1601-R

REV.	DATE	BY	DESCRIPTION
<b>STUDY AREA 7</b>			
JERSEY CITY		NEW JERSEY	
<b>Honeywell</b>			
101 COLUMBIA ROAD, MORRISTOWN, NEW JERSEY 07962			
PROJECT NO. <b>35037</b>			
<b>MUESER RUTLEDGE CONSULTING ENGINEERS</b>			
14 PENN PLAZA - 225 W. 34TH STREET, NEW YORK, NY 10122			
<b>Exhibit B-1C</b>			
SCALE	MADE BY B.B.	DATE 07-13-10	FILE NO.
GRAPHIC	CHG BY D.W.C.	DATE 07-13-10	10210
<b>MODIFIED PERIMETER DETAIL</b>			DRAWING NO.
<b>TYPICAL SECTION AND</b>			1601-R
<b>SEQUENCE NOTES</b>			





CIVIL ENGINEER, LICENSE NO. 102110 Contract 6 - - - - - Contract Report 6-1820-1-R01g  
 JUL 26, 2010 at 4:10pm



- Notes:**
1. For locations of perimeter pools and under drains see Drawing No. 1700-R.
  2. For locations of underground utilities see Drawing No. 1701-R.
  3. As-Built information was taken from final grades Drawing, SA7 and SA8 North/South, prepared by Entact, Dated 04/12/2010.



REV.	DATE	BY	DESCRIPTION
<b>STUDY AREA 7</b>			
JERSEY CITY		NEW JERSEY	
<b>Honeywell</b>			
101 COLUMBIA ROAD, MORRISTOWN, NEW JERSEY 07962			
PROJECT NO. <b>35037</b>			
<b>MUESER RUTLEDGE CONSULTING ENGINEERS</b>			
14 PENN PLAZA - 225 W. 34TH STREET, NEW YORK, NY 10122			
Exhibit B-1D			
SCALE	MADE BY	DATE	FILE NO.
GRAPHIC	B.B.	07-13-10	10210
	CHKD BY	DATE	DRAWING NO.
	D.W.C.	07-13-10	1800-R
<b>FINAL SITE PLAN</b>			

**Exhibit B-2: Table B-2**  
**Eastern SCB Wall Sample Data Table (Hexavalent Chromium)**

**EXHIBIT B-2**  
**Restricted Area Data Table**  
 Deed Notice #14 SA-7 Eastern Perimeter Pool  
 Portions of Block 21901, Lots 6, 7, 8  
 Jersey City, New Jersey

Location ID	Sample Date	Sample Elevation (feet msl NAVD88)	Contaminant	CASR#	NJDEP Chromium SCC (mg/kg)	Concentration (mg/kg)	Q
115-WC-E191A	08/10/2006	9.2	Hexavalent Chromium	18540-29-9	20	<b>47.4</b>	J

**Notes:**

Results reported in milligrams/kilogram (mg/kg).

**Data Qualifiers:**

J - Data indicates the presence of a compound that meets the identification criteria. The concentration given is an approximate value

**Abbreviations:**

Feet bgs - Feet below ground surface

feet msl = feet mean sea level NAVD88 - North American Vertical Datum of 1988

NJDEP Chromium SCC - New Jersey Department of Environmental Protection Chromium Soil Cleanup Criteria, revised April 2010

CASR# - Chemical Abstract Service Number

**EXHIBIT C**  
**Deed Notice #14 SA-7 Eastern Perimeter Pool**

**C-1 Institutional Controls**  
**C-2 Engineering Controls**  
**Portions of Block 21901 Lots 6, 7, 8**  
**City of Jersey City, New Jersey**

**C-1 Institutional Controls**

C-1 Deed Notice and Zoning as Institutional Controls: Exhibit C-1 for portions of Block 21901 Lots 6, 7, and 8, City of Jersey City known as the Eastern Perimeter Pool Area.

Exhibits C-1A and C-1B. Exhibit C-1A: Deed Notice as Institutional Control; Exhibit C-1B: Zoning as Institutional Control: Exhibits C-1A and C-1B include a narrative description of the restrictions and obligations of this Deed Notice and the other Institutional Controls that are in addition to those described above, as follows:

(A) General Description of the Institutional Control:

The Property encompasses the eastern portion of the SCB underground hydraulic barrier wall of SA-7 (“Eastern SCB Wall”) and the associated eastern perimeter pool which, together, serve as a portion of the chromium remedy for SA-7 in order to protect SA-7 from re-contamination in accordance with the Amended Order Modifying Injunction (ECF No. 1116).

(1) Description and estimated size of the Property as described above;

*The Property constitutes portions of Block 21901 Lots 6, 7, and 8. The size of the Property for which this Deed Notice applies is identified on Exhibit B-1 and is estimated at approximately 26,000 square feet or approximately 0.6 acres. A small portion of the Property, represented by one sample along the western face of the Eastern SCB Wall, contains hexavalent chromium concentrations above 20 mg/kg that do not allow for unrestricted use of the Property. The Property, including the chromium-contaminated soils along the Eastern SCB Wall, is covered by approximately four feet clean fill and capped with asphalt.*

(2) Description of the restrictions on the Property by operation of the Institutional Control;

*The Property shall only be used for activities consistent with this Deed Notice and the applicable zoning standards. Intrusive activities (i.e., excavation or digging) that breach the engineering and hydraulic controls (as described in Exhibit C-2) will not be permitted on the Property except in compliance with the terms of this Deed Notice. See subsections 7A Alterations, Improvements, Disturbances, and 7B Emergencies for additional information.*

(3) The objective of the restrictions;

***The restrictions will prohibit contact with Eastern SCB Wall containing hexavalent chromium above the level established in the NJDEP Chromium Policy of 20 mg/kg and will prohibit damage to the engineering and hydraulic controls, namely, the Eastern SCB Wall, the eastern perimeter pool, and the associated piezometers.***

(B) Description of the monitoring necessary to determine whether:

(1) Any disturbances in the Property resulted in the unacceptable exposure to the Eastern SCB Wall contamination or disturbance to the functioning of the engineering and hydraulic controls;

***Visual inspections of the Property and other monitoring as set forth in the deed notice. Visual Inspections will be conducted at least quarterly in general and will be conducted at least weekly during any known disturbance of the Property. Monitoring of the eastern perimeter pool piezometers and adjacent piezometers to the east will occur quarterly to ensure the Eastern Barrier Wall and eastern perimeter pools are functioning as designed.***

(2) There have been any land use changes subsequent to the filing of this Deed Notice or the most recent biennial certification, whichever is more recent;

***Same as (B)(1).***

(3) The current land use on the Property is consistent with the restrictions in this Deed Notice;

***Same as (B)(1).***

(4) Any newly promulgated or modified requirements of applicable regulations or laws apply to the site; and

***Review of newly promulgated or modified requirements of applicable regulations or laws that potentially may apply to the site.***

(5) Any new standards, regulations, or laws apply to the Property that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling; and

***Same as (B)(4).***



(C) Description of the following items that will be included in the biennial certification:

- (1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;
- (2) Land use at the Property is consistent with the restrictions in this Deed Notice and the applicable zoning standards; and
- (3) The remedial action that includes this Deed Notice continues to be protective of the public health and safety and of the environment.

***The monitoring report will be included in the biennial certification. Components of the monitoring report will include the following:***

- ***A report of all conditions set forth in sections (A) and (B) above to assure that they have been adhered to, including evaluation of any available documents as a result of changes in land use or incidents.***
- ***A report that determines whether or not the land use at the Property has remained consistent with the restrictions in this Deed Notice, and the applicable zoning standards.***
- ***A report that determines whether or not the Deed Notice continues to be protective of the public health and safety and the environment.***

**C-2 Engineering Controls  
Deed Notice #14 SA-7 Eastern Perimeter Pool**

**Portions of Block 21901 Lots 6, 7, 8  
City of Jersey City, New Jersey**

Exhibits C-2: Narrative description of the Engineering Controls including Clean Fill as follows:

(A) General Description of the engineering controls:

(1) Description of the engineering controls;

*The Engineering Controls consist of the following: The engineering controls for the soils against the Eastern SCB Wall with hexavalent chromium concentrations above 20 mg/kg at the Property include a minimum 4 feet of clean soil cover (crushed stone) and an asphalt cap. The Engineering and Hydraulic Controls to prevent re-contamination of SA-7 by shallow groundwater along the eastern boundary of SA-7 include the Eastern SCB Wall, the eastern perimeter pool and the associated piezometers, all of which are included in this deed notice. Both the engineering and hydraulic controls are shown on Exhibit B-1.*

(2) The objective of the engineering controls; and

*The objective of the engineering controls consisting of 4 feet of clean soils and asphalt is to prevent contact with the soils against the SCB wall containing hexavalent chromium above the level established in the NJDEP Chromium Policy of 20 mg/kg. The objective of the Engineering and Hydraulic Controls consisting of the Eastern SCB Wall, the eastern perimeter pool, and the associated piezometers is to control groundwater levels at SA-7 in relation to neighboring SA-5 (Route 440),*

(3) How the engineering controls are intended to function.

*The engineering controls (soil cover and asphalt) are intended to function as a barrier to the soils containing hexavalent chromium above the level established in the NJDEP Chromium Policy of 20 mg/kg; and the Eastern SCB Wall, the eastern perimeter pool, and the associated piezometers are intended to function as a hydraulic barrier to prevent re-contamination of SA-7 by groundwater from the east by maintaining an outward hydraulic gradient.*

(B) Description of the operation and maintenance necessary to ensure that:

(1) Periodic inspections of each engineering control are performed in order to determine its integrity, operability, and effectiveness;

***Honeywell will perform monitoring by visual inspection of the Property pursuant to this deed notice. Visual Inspections will be conducted at least quarterly in general and will be conducted at least weekly during any known disturbance of the Property. Monitoring of the eastern perimeter pool piezometers and adjacent piezometers to the east will occur quarterly to ensure the Eastern Barrier Wall and eastern perimeter pools are functioning as designed.***

(2) Each engineering control continues as designed and intended to protect the public health and safety and the environment;

***Same as (B)(1) above.***

(3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering controls;

***Same as (B)(1) above. Also, see subsections 7A Alterations, Improvements, Disturbances, and 7B Emergencies for additional information.***

(4) The engineering controls are being inspected and maintained and their integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;

***Same as (B)(1) above.***

(5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of the engineering controls. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/performance of the engineering controls; and

***Records of the inspections are to be maintained as listed in (5).***

(6) Any new standards, regulations, or laws apply to the Property that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling; and

***A review of any new standards, regulations, or laws will be conducted. Should the review indicate that other activities are necessary, those activities will be listed and executed.***

(C) Description of the following items that will be included in the biennial certification:

(1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;

(2) The engineering controls continues to operate as designed; and

(3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

***The monitoring report will be included in the biennial certification. Components of the monitoring report will include the following:***

- ***A report of all conditions set forth in sections (A) and (B) above to assure that they have been adhered to, including an evaluation to determine whether or not the engineering controls are continuing to meet the original objective and intended function.***
- ***A report to determine whether or not the engineering controls continue to operate as designed, including measured water levels in the eastern perimeter pools and the adjacent piezometers on the eastern side of the Eastern Barrier Wall.***
- ***A report to determine whether or not the engineering controls continue to be protective of the public health and safety and of the environment.***

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# Deed Notice

Dated: \_\_\_\_\_, 2017

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**BAYFRONT REDEVELOPMENT LLC**

Grantor(s).

*Record and return to:*

**Waters, McPherson, McNeill, P.C.  
P.O. Box 1560  
300 Lighting Way  
Secaucus, New Jersey 07096-1560**

**ATTN: Perry Florio, Esq**

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