



State of New Jersey

PHIL MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Contaminated Site Remediation & Redevelopment Program
Remediation Review Element
Bureau of Remedial Action Permitting
401 E. State Street
P.O. Box 420
Mail Code 401-05S
Trenton, NJ 08625-0420
Phone: (609) 984-2990

SHAWN M. LATOURETTE
Commissioner

SHEILA OLIVER
Lt. Governor

September 20, 2022

Benny Dehghi, Global Remediation Director
HONEYWELL INTERNATIONAL
115 Tabor Road
Morris Plains, NJ 07950

Christopher Fiore, Assistant Executive Director
JERSEY CITY REDEVELOPMENT AGENCY
4 Jackson Square at 39 Kearney Avenue
Jersey City, NJ 07305

RE: Soil Remedial Action Permit Transfer/ Change of Ownership
Site: Study Area SA-7 East Perimeter Pool Area (Deed Notice #14)
A/K/A: Hudson County Chromate 115, 120, 157, Roosevelt Drive In
Address: 441 Route 440
City: Jersey City
County: Hudson
SRP Program Interest #: G000002548
Soil Remedial Action Permit #: RAP220001 (supersedes RAP190001
Block: 21901.01 Lot: 4

Dear Mr. Dehghi and Mr. Fiore:

Enclosed is a Soil Remedial Action Permit Transfer/ Change of Ownership issued pursuant to the Site Remediation Reform Act, 58:10C-1 et seq. and the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-1 et seq. This permit transfer becomes effective on 09/21/2022. Please note the referenced permit and program interest numbers and refer to them when corresponding with the Department.

The enclosed permit transfer requires the permittee to conduct monitoring, maintenance and evaluation for compliance and effectiveness of the remedial action and its associated institutional control. The permit establishes requirements necessary for demonstrating that the remedial action and control continue to be protective of public health, safety and the environment.

Annual Fees

Please be aware that there are annual fees associated with this permit in accordance with N.J.A.C. 7:26C-4.6. These annual permit fees will be handled by invoicing the fee billing contact we have on record:

Eric Christodoulatos
Honeywell International Inc.
115 Tabor Road
Morris Plains, NJ 07950
Phone: (973) 455-2877
Email: William.Hague@Honeywell.com

Any changes to this contact should be brought to the Department's attention. Changes to fee billing contacts are updates and are not considered modifications to the permit.

The Department looks forward to future continued cooperation in working together to provide a healthy environment for the citizens of New Jersey and to protect its resources. Going forward, questions or comments regarding this permit should be addressed to Robert Steinhagen with the Bureau of Remedial Action Permitting at Robert.Steinhagen@dep.nj.gov or (609) 633-1472.

Sincerely,



Lynne Mitchell, Assistant Director
Remediation Review Element

Enclosure

cc: Municipal Clerk, Jersey City
SeanG@jcnj.org

Jersey City Health and Human Services
healthierjc@jcnj.org

Hudson County Register
djennings@hcnj.us

Hudson Regional Health Commission
adequina@hudsonregionalhealth.org



Bureau of Remedial Action Permitting
 401 East State Street
 P.O. Box 420
 Mail Code 401-05S
 Trenton, NJ 08625-0420
 Phone: (609) 984-2990

SOIL REMEDIAL ACTION PERMIT TRANSFER/ CHANGE OF OWNERSHIP
Deed Notice with Engineering Control

The New Jersey Department of Environmental Protection hereby grants you a Remedial Action Permit Transfer/change of ownership pursuant to N.J.S.A. 58:10C-1 et seq. and N.J.A.C. 7:26C-1 et seq. for the facility/activity named in this document. This permit transfer is the regulatory mechanism used by the Department to help ensure your remedial action will be protective of human health and the environment.

This permit transfer establishes the monitoring, maintenance, and evaluation requirements for determining the effectiveness of the deed notice's engineering control.

Site: Study Area SA-7 East Perimeter Pool Area (Deed Notice #14)
A/K/A: Hudson County Chromate 115, 120,157, Roosevelt Drive In

<p><u>Facility Address:</u></p> <p>441 Route 440 Jersey City, NJ 07305 Hudson County</p>	<p><u>SRP PI #:</u> G000002548</p> <p><u>Permit #:</u> RAP220001 (supersedes RAP190001)</p> <p>Transfer Issuance Date: 09/20/2022</p> <p>Transfer Effective Date: 09/21/2022</p>
<p><u>Person Responsible for Conducting the Remediation - Co-Permittee:</u></p> <p>Benny Dehghi, Global Remediation Director HONEYWELL INTERNATIONAL 115 Tabor Road Morris Plains, NJ 07950 Phone: (310) 512-2296 Email: William.Hague@Honeywell.com</p>	
<p><u>Property Owner - Co-Permittee:</u></p> <p>Christopher Fiore, Assistant Executive Director JERSEY CITY REDEVELOPMENT AGENCY 4 Jackson Square At 39 Kearney Avenue Jersey City, NJ 07305 Phone: (201) 761-0823 Email: cfiore@jcnj.com</p>	

I. Authority

The Department is issuing this permit in accordance with N.J.S.A. 58:10C-1 et seq. and N.J.A.C. 7:26C-1 et seq.

II. Permit Requirements

A. MONITORING REQUIREMENTS

1. The permittee shall operate, maintain, and monitor the institutional and/or engineering controls at the site, to ensure that the remedial action remains protective of public health and safety and the environment, and to ensure compliance with the requirements of the Soil Remedial Action Permit. This includes but is not limited to site inspections, biennial submission of a Soil Remedial Action Protectiveness/Biennial Certification Form and Report, responding to any activities involving the institutional and/or engineering controls at the site, and responding to any public inquiries regarding the current status of the site. [N.J.A.C. 7:26C- 2.3(a and b)]
2. The permittee shall conduct monitoring and maintenance pursuant to Attachment A of the Soil Remedial Action Permit. [N.J.A.C. 7:26C- 7.8(a)]
3. The permittee shall conduct periodic inspections of each engineering control to determine its integrity, operability, and effectiveness. [N.J.A.C. 7:26C- 7.8(b)2]
4. The permittee shall conduct periodic inspections of any excavations or disturbances that have resulted in unacceptable exposure to the soil contamination. The permittee shall maintain a detailed maintenance and evaluation log. [N.J.A.C. 7:26C- 7.8(b)]

B. REMEDIAL ACTION PROTECTIVENESS/BIENNIAL CERTIFICATION FORM

1. Reporting Requirements

- a. The permittee shall prepare and submit to the Department a Remedial Action Protectiveness/Biennial Certification Form every two years following the anniversary of the date of the effective date of this permit. The certification shall be submitted on the required form provided by the Department. Submit a Remedial Action Protectiveness/Biennial Certification Form biennially from the effective date of this permit. [N.J.A.C. 7:26C- 7.7(a)1]

2. Evaluation Requirements

- a. The permittee shall hire a Licensed Site Remediation Professional to prepare and certify that the remedial action continues to be protective of the public health and safety and the environment. [N.J.A.C. 7:26C- 1.5(a)2]
- b. The permittee shall conduct the remediation in accordance with all applicable statutes, rules, and guidance. [N.J.A.C. 7:26C- 1.2(a)]
- c. The permittee shall provide the results of the periodic inspections required under the monitoring requirements of this permit. [N.J.A.C. 7:26C- 7.8(c)]
- d. The Remedial Action Protectiveness/Biennial Certification Form shall include an evaluation of any actual or pending zoning or land use changes to determine if these changes are consistent with the use restrictions contained in the attached deed notice/declaration of environmental restriction. If the evaluation finds that the engineering/institutional controls are no longer protective of the public health and safety and the environment, the permittee shall implement appropriate remedial action to ensure that the engineering/institutional controls are protective of the public health and safety and the environment. [N.J.A.C. 7:26C- 7.8(b)1]

e. The Remedial Action Protectiveness/Biennial Certification Form shall include a comparison of the laws, Remediation Standards, and other regulations applicable at the time the engineering or institutional control was established with any relevant subsequently promulgated or modified laws or regulations to determine whether the engineering or institutional control remains protective. The results shall be provided in table format, comparing of applicable laws, regulations, and standards. [N.J.A.C. 7:26C- 7.8(b)3]

C. FINANCIAL ASSURANCE REQUIREMENTS

1. Reporting Requirements - Letter of Credit

a. The permittee shall have the issuer of the Letter of Credit notify the Department, and the person providing the Letter of Credit by certified mail that, if the issuer of the Letter of Credit decides not to extend the letter of credit beyond the expiration date. Submit a written notification of lapse of Letter of Credit prior to 120 days before the letter of credit expiration date. [N.J.A.C. 7:26C- 5.7(a)4]

b. The permittee shall prepare an estimate of the future costs to operate, maintain, and inspect all engineering controls subject to this permit, and submit it to the Department. Submit engineering controls maintenance cost estimate with the Protectiveness/Biennial Certification biennially from the effective date of this permit. [N.J.A.C. 7:26C- 7.10(a)1]

2. Financial Assurance - Maintenance

a. The permittee shall maintain financial assurance in an amount equal to or greater than the most recent estimated full cost to operate, maintain, and inspect all engineering controls that are part of any remedial action over the life of the permit. [N.J.A.C. 7:26C- 7.7(a)3]

D. FEES

1. For each year hereafter on the anniversary of the effective date of this permit, the Department shall invoice the permittees the amount of the annual Remedial Action Permit Fee. [N.J.A.C. 7:26C- 4.6]

E. PERMIT TRANSFERS

1. The permittee shall, no later than 60 days after the sale or transfer of the property, or transfer of the operation of the property, or termination of a lease, submit a Remedial Action Permit Transfer/Change of Ownership Application and pay the permit transfer fee to the Department. [N.J.A.C. 7:26C- 7.11(b)]

F. PERMIT MODIFICATIONS

1. Soil Permit Modifications

a. The permittee shall apply to have the Department modify a Remedial Action Permit after a change in the remedial action pursuant to N.J.A.C. 7:26C-6.4. [N.J.A.C. 7:26C- 7.12(b)1]

b. The permittee shall apply to have the Department modify a Remedial Action Permit after a modification of the engineering or institutional controls, which will result in changes to the exhibits in the deed notice or in the notice in N.J.A.C. 7:26C-7.2(c)2. [N.J.A.C. 7:26C- 7.12(b)2]

c. The permittee shall apply to have the Department modify a Remedial Action Permit after the permittee changes its address. [N.J.A.C. 7:26C- 7.12(b)3]

G. PERMIT TERMINATIONS

1. A request for a permit termination can be filed by submitting a Remedial Action Permit Application to terminate the permit to the Department when the remedial action meets all applicable remediation standards without the need for the Remedial Action Permit and the remedial action is protective of the public health and safety and of the environment without the presence of the Remedial Action Permit. [N.J.A.C. 7:26C- 7.13]

H. FORM SUBMITTAL

1. Any forms, applications or documents required by this chapter that can be submitted in an electronic format shall be submitted electronically 90 days after the date that the Department informs the public in the New Jersey Register that the relevant electronic application is functional. [N.J.A.C. 7:26C- 1.6(c)]

2. All submissions required pursuant to this permit shall be made on forms approved and available from the Department. These forms and instructions for completing these forms can be found at <http://www.nj.gov/dep/srp/srra/forms>. [N.J.A.C. 7:26C- 1.6]

I. RESTRICTED LAND USES

1. Contaminated sites remediated to non-residential soil remediation standards that require the maintenance of engineering and/or institutional controls cannot be converted to a childcare facility, public, private or charter school without the Department's prior approval, unless a presumptive remedy is implemented pursuant to the Presumptive Remedies for Soil Contamination at Schools, Child Care Centers, and Residences. [N.J.A.C. 7:26E- 5.3]

III. Permit Schedule

Permit Transfer Effective Date: 09/21/2022	
Submission Requirement	Due Date
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2022
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2024
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2026
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2028
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2030
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2032
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2034
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2036
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2038
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2040
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2042
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2044
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2046
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/08/2048

Note: Remedial Action Protectiveness/Biennial Certification Forms are required to be submitted according to the schedule, and shall continue to be submitted until the Permit is terminated or modified.

SRP PI #: G000002548 Soil Remedial Action Permit #: RAP220001

Your Soil Remedial Action Permit under Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-1 et seq. has been approved by the New Jersey Department of Environmental Protection.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Mitchell", with a long horizontal flourish extending to the right.

Lynne Mitchell, Assistant Director
Remediation Review Element

IV. Attachments:

- A. Monitoring and Maintenance Plan
- B. Deed Notice

Attachment A
Monitoring and Maintenance Plan for
Soil Remedial Action Permit

Case Information:

Preferred ID:	G000002548
RAP Number:	RAP220001
Case Name:	Hudson County Chromate 115
Address:	441 Route 440
City:	Jersey City
County:	Hudson County

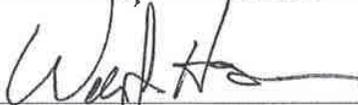
Monitoring and Maintenance Schedule:

Deed Notice Area	Institutional /Engineering Control	Inspection Schedule
Perimeter Pool	Asphalt Cap	Quarterly
Perimeter Pool	Soil	Quarterly

Attachment B
Deed Notice

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 4th 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*¹. 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

¹ 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.²

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 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, 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.

² 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.

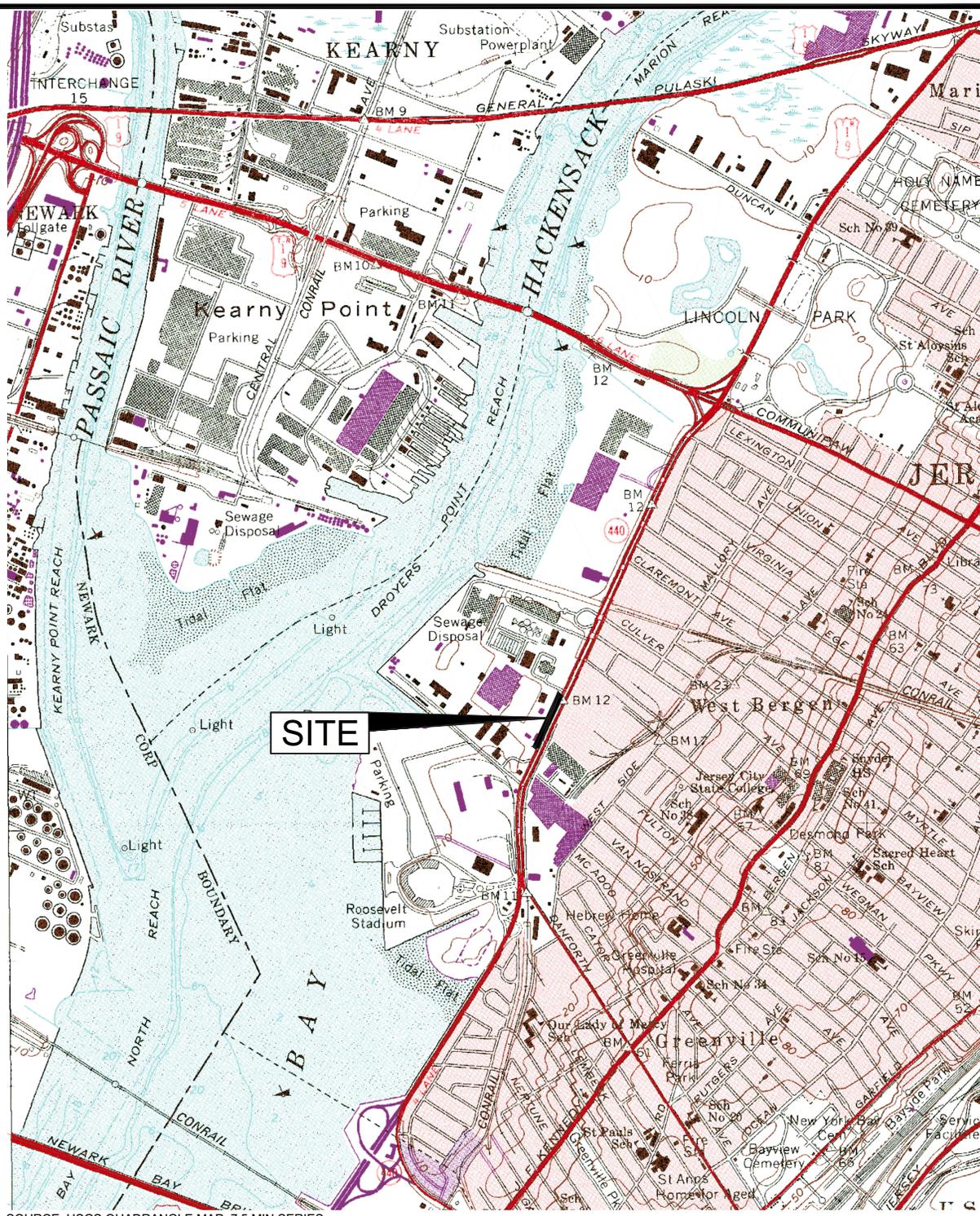
Exhibit A-3 Property Map consists of a figure indicating major surface features and engineering controls for the Property. After any development of the Property, this Deed Notice shall be modified to show all modified or new topographical features constructed on the Property, such as buildings, roads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

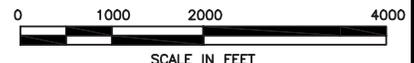
CONFIDENTIAL AND MAY NOT BE COPIED OR DISCLOSED, AND (D) THIS DOCUMENT MAY ONLY BE USED BY THE CLIENT IN THE COUNTY AND FOR THE EXPRESS PURPOSE FOR WHICH IT WAS BEEN PREPARED. ANY OTHER USE OR RELIANCE ON THIS DOCUMENT BY ANY THIRD PARTY IS AT THAT PARTY'S SOLE RISK AND RESPONSIBILITY.

FILE: CADD\HONEYWELL\JERSEY_CITY_SA_6_NORTH\3480150487_6100_610001\DEED_NOTICE_DN_14_3480150487-6100-A114-0000.dwg Tue, 28 Nov 2017 10:57:20am scott.rodrkin



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:

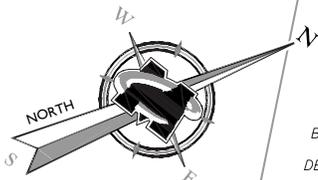
- 2. **N 44°21'39" E, 3.70 feet**; thence-
- 3. **N 49°10'40" W, 26.70 feet**; thence-
- 4. **N 24°46'55" E, 757.13 feet**, to the southerly line of Deed Notice Area 5; thence-
- 5. **S 49°06'51" E, 35.39 feet**, to the aforesaid westerly line of New Jersey State Highway Route 440; thence-
- 6. **S 24°46'55"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

BLOCK 21901
LOT 8
DB 7452 PG. 62

BLOCK 24601
LOT 8
DB 7528 PG. 156

BL 24601
LOT 10

BLOCK LIMIT LINE

AS-BUILT OPEN SPACE AREA LIMIT LINE

AS-BUILT OPEN SPACE AREA

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

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 2
LIMIT LINE
N 44°21'39" E 3.70'
N 49°10'40" W 26.70'

DEED NOTICE AREA 2

N 24°46'55" E 757.13'

S 24°46'55" W 760.95'

NEW JERSEY STATE HIGHWAY ROUTE 440

(112' WIDE R.O.W.)

POINT OF BEGINNING



SCALE : 1" = 100'

MASER CONSULTING P.A.

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Engineers ■ Planners ■ Surveyors
Landscape Architects ■ Environmental Scientists

State of N.J. Cert. of Authorization: 24CA27986500

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- Climon, NJ
- Hamilton, NJ
- Hammonton, NJ
- Ht. Arlington, NJ
- Ht. Laurel, NJ
- Sterling, VA
- Norfolk, VA
- Albuquerque, NM
- Albany, NY
- Chester Ridge, NY
- Newburgh, NY
- Newburgh, NY
- Lisigh Valley, PA
- Exton, PA
- Philadelphia, PA
- Columbus, MD
- Tampa, FL

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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 ADVERSE INTERESTS OR DISBURSE THE EARTH'S SURFACE ANYWHERE IN ANY STATE.

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

SCALE	DATE	DRAWN BY	CHECKED BY
AS SHOWN	12/01/14	MAA	CRK
PROJECT NUMBER	10000292Q	DRAWING NO.	V-EXBT-DN-14
SHEET TITLE			
DEED NOTICE AREA 14			
SHEET NUMBER			
of			

**Exhibit A-3
Property Map**

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

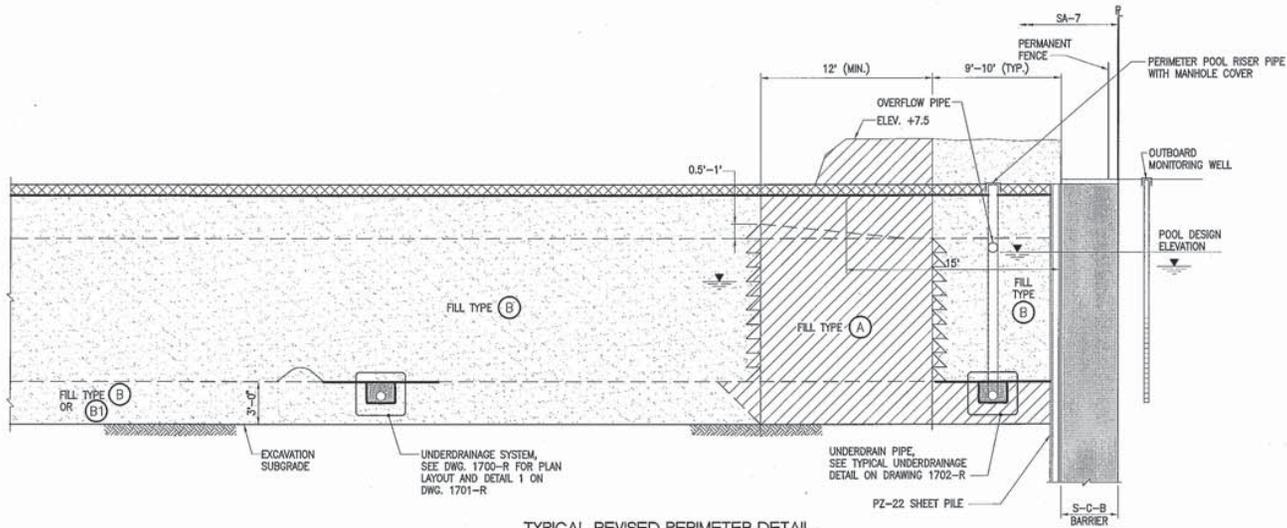
Exhibit B-1 Property Maps include Exhibit B-1A (Property and Eastern SCB Wall Sample Location), Exhibit B-1B (Record Plan Perimeter Pool), Exhibit B-1C (Modified Perimeter Detail Typical Section and Sequence Notes), and Exhibit B-1D (Final Site Plan).

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



TYPICAL REVISED PERIMETER DETAIL

SECTION A
SCALE: 1/4" = 1'-0" 1700-R/1601-R

Jul 25, 2010 at 4:48pm

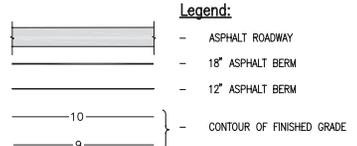
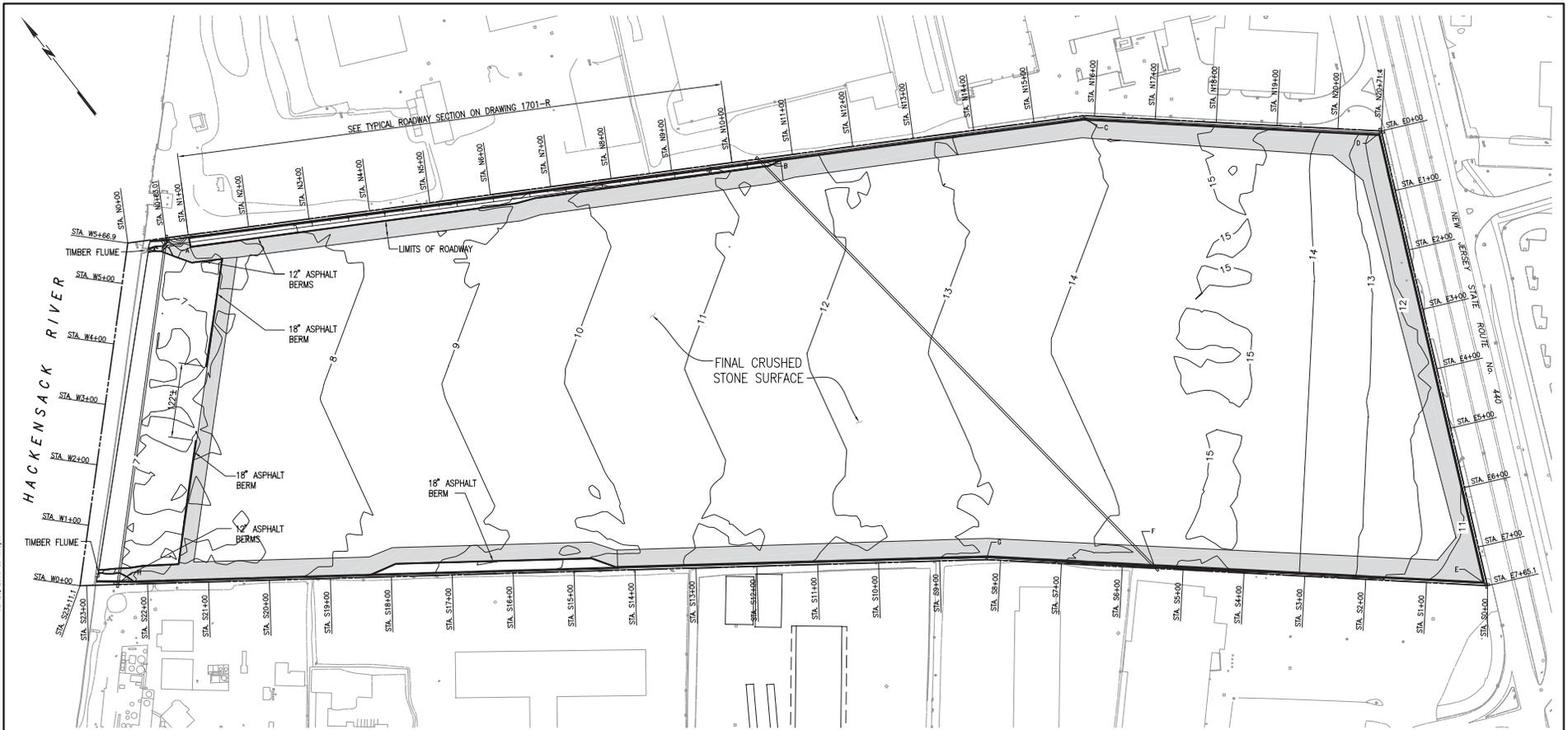
C:\UNITS\1701\1701\1701\1701-1601-1.dwg

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



Jul 26, 2010 at 4:10pm

C:\DWG\102\10210\Contract 6 - Chester Road\6-1800-Plan



- 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 SA6 North/South, prepared by Entact, Dated 04/12/2010.



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

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	47.4	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.***

Deed Notice

Dated: _____, 2017

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
