



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CATHERINE R. MCCABE  
*Acting Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

Site Remediation and Waste Management 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

June 12, 2018

William Hague, Global Director  
Honeywell International Inc.  
115 Tabor Road  
Morris Plains, NJ 07950

RE: Soil Remedial Action Permit  
Site: Study Area SA-6 South Deed Notice #2 Route 440 Deferred Area  
A/K/A: Kellog Street Properties: et al.  
Address: Kellog Street  
City: Jersey City  
County: Hudson  
SRP Program Interest #: G000008741  
Soil Remedial Action Permit #: RAP180001

Dear Mr. Hague:

Enclosed is a Soil Remedial Action Permit 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 becomes effective on June 19, 2018. Please note the referenced permit and program interest numbers and refer to them when corresponding with the Department.

The enclosed permit 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.

Please note that the Judicial Consent Order was filed with the deed notice but is not included in the permit. It is available through OPRA review.

The Technical Requirements for Site Remediation (Technical Requirements) at N.J.A.C. 7:26E-1.8 define remediation to include a remedial action. The Technical Requirements further define remedial action such that "... A remedial action continues as long as an engineering control or an institutional control is needed to protect the public health and safety and the environment, and until all unrestricted use remediation standards are met." Therefore, a person who is implementing a remedial action that includes an engineering or institutional control is conducting remediation, and that person is required to hire a licensed site remediation professional (LSRP) pursuant to the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS; see N.J.A.C. 7:26C-2.3(a) and (b)).

At all times, an LSRP is required to be retained for a case that has a Deed Notice, Classification Exception Area, Soil Remedial Action Permit, and/or Ground Water Remedial Action Permit until the remedial action(s) is no longer needed to protect the public health and safety and the environment, and until all unrestricted use remediation standards are met. The LSRP must be retained to operate, maintain, and monitor the institutional and/or engineering controls at the site, to ensure that the remedial action(s) remains protective of public health and safety and the environment, and to ensure compliance with the requirements of the Deed Notice, Classification Exception Area, Soil Remedial Action Permit, and/or the Ground Water Remedial Action Permit. This includes but is not limited to site inspections, ground water sampling, biennial submission of a Soil and/or Ground Water 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. It is the responsibility of the LSRP certifying the Remedial Action Permit application to inform the Responsible Entity of the requirement regarding LSRP retention for a case that has a Soil and/or Ground Water Remedial Action Permit.

An LSRP may be retained or dismissed for a case that has an approved Soil and/or Ground Water Remedial Action Permit through the New Jersey Department of Environmental Protection online portal ([www.nj.gov/dep/online/](http://www.nj.gov/dep/online/)) by choosing the "LSRP Retention" or "LSRP Release" submission type selection option within the "LSRP Notification of Retention or Dismissal" service, and choosing the "Remedial Action Permit" activity in the case selection page. Please note that the Bureau of Remedial Action Permitting records the LSRP Retention for pending Remedial Action Permit Applications so there is no need to perform this function online. Also note that the LSRP Comprehensive Report ([datamine2.state.nj.us/DEP\\_OPRA/OpraMain/categories?category=SRRA](http://datamine2.state.nj.us/DEP_OPRA/OpraMain/categories?category=SRRA)) now includes information pertaining to approved Soil and Ground Water Remedial Action Permits to which the LSRP is assigned.

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:

William Hague, Global Director  
Remediation Design and Construction  
Honeywell International Inc.  
115 Tabor Road  
Morris Plains, NJ 07950  
Phone: (973) 455-2175  
Email: [William.Hague@Honeywell.com](mailto: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 the Bureau of Remedial Action Permitting at 609-984-2990, attention Robert Soboleski, Bureau Chief.

Sincerely,



William S. Hose, Assistant Director  
Remediation Review Element

Enclosure

c: Municipal Clerk, Jersey City  
[rbyrne@jcnj.org](mailto:rbyrne@jcnj.org)

Jersey City Division of Health  
[smithv@jcnj.org](mailto:smithv@jcnj.org)

Hudson County Register  
[lsenerchia@hcnj.us](mailto:lsenerchia@hcnj.us)

Carrie Nawrocki  
[cnawrocki@hudsonregionalhealth.org](mailto:cnawrocki@hudsonregionalhealth.org)

Dennis Nagg  
[Dennis.nagg@woodplc.com](mailto:Dennis.nagg@woodplc.com)

**New Jersey Department of Environmental Protection**



**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**  
**Deed Notice with Engineering Control**

The New Jersey Department of Environmental Protection hereby grants you a Remedial Action Permit 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 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 establishes the monitoring, maintenance, and evaluation requirements for determining the effectiveness of the deed notice's engineering control.

**Site:** Study Area SA-6 South Deed Notice #2 Route 440 Deferred Area  
**A/K/A:** Kellog Street Properties: et al.

<u><b>Facility Address:</b></u>  Kellog Street Jersey City, NJ 07300 Hudson County Block: 24601 Lot: 8	<u><b>Program Interest#:</b></u> G000008741  <u><b>Permit#:</b></u> RAP180001
<u><b>Person Responsible for Conducting the Remediation - Co-Permittee:</b></u>  William Hague, Global Director HONEYWELL INTERNATIONAL INC 115 Tabor Road Morris Plains, NJ 07950 Phone: (973) 455-2175 Email: William.Hague@Honeywell.com	
<u><b>Property Owner - Co-Permittee:</b></u>  Same as above	

**Issuance Date:**  
**06/12/2018**

**Effective Date:**  
**06/19/2018**

**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 retain a LSRP for the Soil Remedial Action Permit until the remedial action is no longer needed to protect the public health and safety and the environment, and until all unrestricted use remediation standards are met. The LSRP must be retained to 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 Exhibit C of the attached Deed Notice. [N.J.A.C. 7:26C- 7.8(a)2]
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 im-

plement 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, at least 60 days prior to 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 within 30 days after a statement that the permittee has completed a protectiveness evaluation required in its permit and has determined that the remedial action is not adequately protective

of the public health and safety and of the environment, and stating the reasons for coming to this conclusion. [N.J.A.C. 7:26C- 7.12(b)1]

b. The permittee shall apply to have the Department modify a Remedial Action Permit within 30 days after any person proposes to change the engineering controls applicable to the site, as described in the deed notice filed for the property. [N.J.A.C. 7:26C- 7.12(b)3]

c. The permittee shall apply to have the Department modify a Remedial Action Permit within 30 days after the person responsible for conducting the remediation modifies the remedial action. [N.J.A.C. 7:26C- 7.12(b)4]

d. The permittee shall apply to have the Department modify a Remedial Action Permit within 30 days after the permittee changes its address. [N.J.A.C. 7:26C- 7.12(b)6]

## 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 child care 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

<b>Permit Effective Date: 06/19/2018</b>	
<b>Submission Requirement</b>	<b>Due Date</b>
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2020
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2022
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2024
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2026
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2028
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2030

Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2032
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2034
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2036
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2038
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2040
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2042
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2044
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2046
Submit a Remedial Action Protectiveness/Biennial Certification Form	06/19/2048

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.

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,



**Date:** June 12, 2018

William S. Hose, Assistant Director  
Remediation Review Element

#### IV. Attachments:

##### A. Deed Notice

Deed Notice ID: DER1433880  
 Filed Deed Notice in the Hudson County Register's Office  
 Book Number the Deed Notice is filed in: 9258  
 Page Numbers: 844-967  
 Date Filed: 11/30/2017  
 Block: 24601 Lot: 8



20171130010138870 1/123  
 11/30/2017 09:47:19 AM DEED  
 Bk: 9258 Pg: 844  
 Diane Coleman  
 Hudson County, Register of Deeds  
 Receipt No. 1307810

Hudson County Recording Data Page Honorable Diane Coleman Hudson County Register 	Official Use Only – Barcode
Official Use Only – Record & Return	Official Use Only – Realty Transfer Fee
Date of Document: November 16, 2017	Type of Document: Deed Notice
First Party Name: Bayfront Redevelopment, LLC	Second Party Name:
Additional Parties:	

112066581

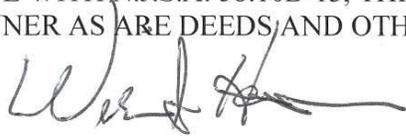
THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY	
Block:	Lot:
Municipality:	
Consideration:	
Mailing Address of Grantee:	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY	
Original Book:	Original Page:

**HUDSON COUNTY RECORDING DATA PAGE**  
 Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

**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]

*William J. Hague, Global Director - Remediation  
Design and Construction*

[Bayfront Redevelopment LLC]

Recorded by:

\_\_\_\_\_  
[Signature, Officer of County Recording Office]

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

**DEED NOTICE CONCERNING CONTROLS  
INSTALLED FOR CHROMIUM CONTAMINATION  
UNDERLYING THE PROPERTY**

This Deed Notice is made as of the <sup>16<sup>th</sup></sup> day of *November*, 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)" and the "Deferred Area") 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 a portion of *Block 24601, Lot 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 Program Interest Number for the contaminated site which includes this property is *Hudson County Chromate Site No. 124 Program Interest ("PI") # G000008741* (NJDEP PI# for non-chromium-related contaminants at the Property is #745719). Site 124 is part of Study Area 6 South ("SA-6

<sup>1</sup> All references to Block 24601 Lot 8 in this Deed Notice shall mean the applicable portion of Block 24601 Lot 8 as shown in the metes and bounds description, regardless of whether the word "portion(s)" is specifically called out or not.

South”). The Property is located adjacent to and along Route 440 as shown on Exhibit B-1 attached hereto. The Property shall constitute a “Deferred Area” as defined in Paragraph 3 that will be remediated for hexavalent chromium contamination pursuant to the First Amended Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 South (“Consent Decree”) which is attached hereto as Appendix I and is entered as an order of the Court in the following consolidated actions *JCMUA v. Honeywell International, Inc.*, D.N.J., Civ. No. 05-05955; *JCIA v. Honeywell International, Inc.*, D.N.J., Civ. No. 05-5993; and *Hackensack Riverkeeper, Inc. v. Honeywell International, Inc.*, D.N.J., Civ. No. 06-22 (consolidated under Civ. No. 95-2097). The Consent Decree restricts transfer, use and development of the Property. To the extent that there is any conflict or inconsistency between the terms of this Deed Notice and the terms of the Consent Decree, the Consent Decree shall govern.

## 2. REMEDIATION.

i. The Department’s Bureau of State Case Management (BCM) is the entity within the Department that is responsible for the oversight of the chromium remediation of SA-6 South and the Property. The matter was Hudson County Chromate Site No. 124 PI# G000008741. 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 soil remedial action permit for the soil 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 SA-6 South to address chromium-related soil and shallow groundwater contamination, except for the Property and certain other deed noticed areas where engineering controls were implemented. The Remedial Action Work Plan (“RAWP”) for chromium remedial actions was approved by the Department on March 24, 2009 for Hudson County Chromate Site Nos. 073, 124, 125, 134, and 140, which includes the Property. Remedial actions were further approved pursuant to the Consent Decree.

Under both the Consent Decree and the RAWP, soil contamination remains in the Property at concentrations that do not allow for the unrestricted use of the Property. A Remedial Action Report (“RAR”) for SA-6 South was submitted to the Department on February 8, 2017. The Department approved the RAR on March 30, 2017. A Construction Completion Report (“CCR”) for SA-6 South to document the implementation of the Chromium Remedy pursuant to Article III of the Consent Decree (the “Chromium Remedy”) to address chromium-impacted soil and groundwater for SA-6 South was entered by the Court on November 20, 2017, Docket Nos 1520 to 1525.

The Property, also known as the Deferred Area, is an approximately 15-foot wide by 88-foot long, 1,315 square foot area on SA-6 South between the Route 440 Right of Way (“ROW”) and the hydraulic barrier along the eastern edge of the SA-6 South Open Space AOC. Public Service

Electric & Gas (“PSE&G”) owns and operates a gas main on the Property, thus, excavation of chromium-impacted soil from the Property was not possible. Excavation of residual chromium contamination proximate to the gas line on the Property will be deferred by Honeywell until the gas line is relocated as part of the Route 440 Road Widening Project. Once the chromium-impacted soils on the Property are removed consistent with Article III of the Consent Decree, this deed notice will be terminated consistent with the requirements of paragraph 13 below. The provisions of the Long Term Monitoring Plan (“LTMP”), developed pursuant to the Consent Decree, will apply to the Property.

The soil contamination is described, including the type, concentration and specific location of such contaminants, in Exhibit B, which is attached hereto and made a part hereof. Groundwater contaminant concentrations and restrictions for SA-6 South in its entirety are addressed in the Classification Exception Area (CEA) approved by the NJDEP on February 16, 2012 and in a forthcoming Remedial Action Permit for Groundwater (recent groundwater samples for the Property do not indicate shallow groundwater contamination). As a result of the remaining soil contamination, there is a statutory requirement for this Deed Notice and engineering controls in accordance with N.J.S.A. 58:10B-13. Under the terms of the Consent Decree and this Deed Notice, Honeywell is responsible for monitoring and maintaining the soil remediation for the Property in perpetuity or until remediation is implemented that renders this Deed Notice unnecessary.

4. CONSIDERATION. In accordance with the Department’s approval of the chromium RAWP for the remediation for the Hudson County Chromate Site Nos. 073, 124, 125, 134, and 140 which includes the Property, and in consideration of the terms and conditions of that approval, and in accordance with the Consent Decree, 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 these contaminants, 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 either at 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 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 soil 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;

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; and

iii. The Consent Decree, paragraph 9, prohibits the unrestricted use of the Property until the Chromium Remedy set forth in Article III of the Consent Decree is implemented.

5C. ENGINEERING CONTROLS. Due to the presence and concentration of these contaminants, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls on the Property. The engineering controls include clean cover materials to a depth of approximately 6-inches below ground surface. 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 Consent Decree, the LMTP, and Paragraphs 8A and 8B herein.

5D. LONG TERM MONITORING PLAN. Pursuant to the Consent Decree, Honeywell has developed an LTMP which sets forth requirements for monitoring, maintaining, and repairing or replacing the soil and groundwater chromium remedial measures including engineering controls within the Property, and requirements for notification and reporting pursuant to the Consent Decree, Deed Notice, and Soil Remedial Action Permit. A copy of the LTMP is maintained by Honeywell at 115 Tabor Road, Morris Plains, NJ 07950. This Deed Notice is appended to the LTMP.

5E. WORKER TRAINING MATERIALS. All maintenance workers engaged in maintenance at the Property shall be trained in maintenance procedures that do not jeopardize the integrity of the engineering controls. Workers shall be trained using material developed by Honeywell pursuant to the Consent Decree.

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 of whom it has knowledge, 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 known contamination in the Property, and, of the precautions necessary to protect the engineering controls and minimize potential human exposure to contaminants.

ii. Except as provided in the Consent Decree and 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) permitted in the Consent Decree and (b) without first obtaining 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.

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

(A) Such action is taken in conformance with the Consent Decree and this Deed Notice; and

(B) 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

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

(D) Honeywell and/or the owner restores any disturbance of an engineering control to pre-disturbance conditions, consistent with the requirements of the Consent Decree and LTMP, within sixty (60) calendar days after the initiation of the alteration, improvement or disturbance; and

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

(F) 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

(G) 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. Immediately after notifying NJDEP, Honeywell is notified of the emergency by calling 855-727-2658; and

iii. Both 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, consistent with the requirements of the Consent Decree and LTMP, 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. The report must include all information pertinent to the emergency, potential discharges of contaminants, and restoration measures that were implemented, which, at a minimum, should specify: (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. Honeywell shall submit the report 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

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 Article III of the Consent Decree, and Exhibit C herein, 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; and

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, so that the remedial action that includes this Deed Notice 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 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 Article III of the Consent Decree, the LTMP, and Exhibit C herein, so that the remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment; and

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, so 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 Owner, subsequent 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, of the precautions necessary to minimize potential human exposure, and exposure of the environment outside the containment of the engineering controls, to contaminants.

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. Any such conveyance, grant or gift must be consistent with the terms of the Consent Decree.

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. Any such rezoning must be consistent with the terms of the Consent Decree. 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 as a conditional remedial action for 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.

iii. This Deed Notice is also enforceable in the United States District Court for the District of New Jersey by all residents, owners, lessees, and all commercial tenants on Study Areas 6 and 7 pursuant to paragraphs 80 and 83 of the Consent Decree.

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, provided that any such modification is consistent with the requirements of the Consent Decree.

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. Any person seeking a modification or termination of this Deed Notice must also have such modification approved by the United States District Court for the District of New Jersey pursuant to the Consent Decree until such time as the Consent Decree terminates with regard to the Property pursuant to the Consent Decree.

iv. If the United States District Court for the District of New Jersey and NJDEP have concluded 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 subparagraphs 13v 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 - 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 - A scaled map 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 development of the Property, this Deed Notice shall be modified to show topographical features constructed on the Property such as buildings, roads, and parking lots.

14B. EXHIBIT B. Exhibit B includes the following descriptions of the Restricted Areas:

i. Exhibit B-1: Restricted Area Map - Maps for the Property that include, as applicable:

(A) As-built diagrams of each engineering control, including caps, fences, hydraulic barrier walls, 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 all soil and/or sediment sample locations within the restricted areas that exceed any soil or sediment standard that are keyed into one of the tables described below.

ii. Exhibit B-2 (Table B-2): Restricted Area Data Tables - Table for the Property that includes:

- (A) Sample location designation from Restricted Area maps (Exhibit B-1);
- (B) Sample elevation based upon mean sea level;
- (C) Name and chemical abstract service registry number of each contaminant with a concentration that exceeds the unrestricted use standard;
- (D) The restricted and unrestricted use standards for each contaminant in the table; and
- (E) 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-1C. Exhibit C-1A: Deed Notice as Institutional Control; Exhibit C-1B: Consent Decree as Institutional Control (attached); Exhibit C-1C: 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 Restricted Areas 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 soil in the Restricted Areas resulted in the unacceptable exposure to the soil contamination;
  - (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-2. Exhibit C-2: Engineering Controls: Asphalt Cover; 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 #2 SA-6 South Deferred Area Adjacent to Route 440 ROW**

**A-1 Vicinity Map**

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

**A-3 Property Map Portion of Block 24601, Lot 8, City of Jersey City, New Jersey**

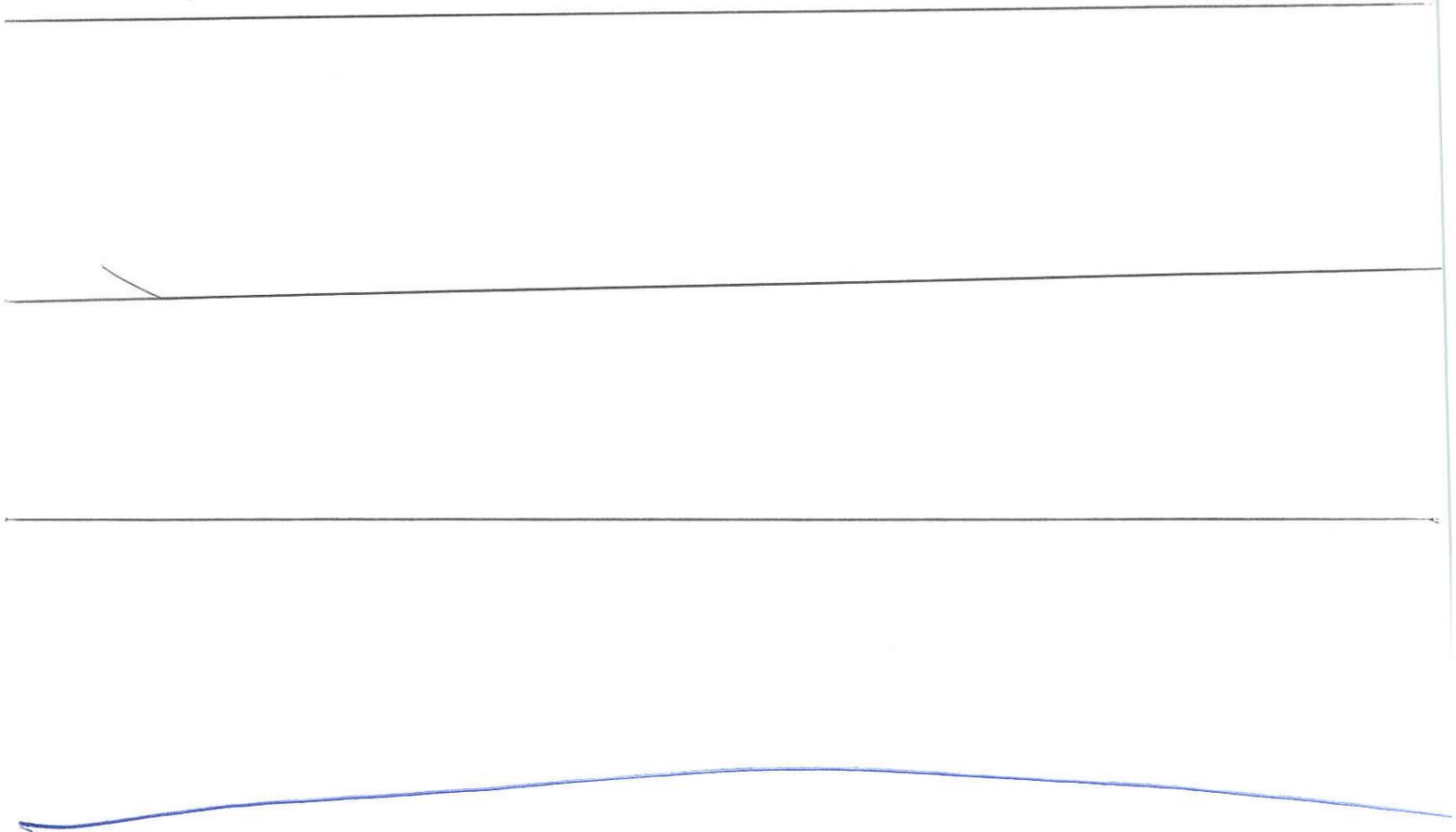
Exhibit A-1 Vicinity Map consists of a road map for the vicinity of the Property.

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

Exhibit A-3 Property Map consists of a figure indicating major surface features and engineering control for the Property. After development of the Property, this Deed Notice shall be modified to show topographical features constructed on the Property such as roads, walkways and other hardscape.

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

EXHIBIT A-1  
SITE VICINITY MAP  
PORTIONS OF STUDY AREA 6 SOUTH SITE 124  
JERSEY CITY, NEW JERSEY





**Exhibit A-2**  
**Deed Notice #2 SA-6 South Deferred Area Adjacent to Route 440 ROW**

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

A-2 Metes and Bounds Description of Property Portion of Block 24601, Lot 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 thereto, the Metes and Bounds prevails.**

The Property is identified as a portion of Block 24601, Lot 8 on the City of Jersey City tax maps. A copy of the current tax map which includes the SA-6 South Deferred Area Adjacent to Route 440 ROW 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. 10000292Q**

**DEED NOTICE AREA 2  
BLOCK 24601 LOT 8  
APRIL 6, 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 Lot 8 Block 24601, designated as Deed Notice Area 2 as shown on an exhibit entitled, "Deed Notice Area 2, SA6 South, Block 24601, Lot 8, City of Jersey City, Hudson County, New Jersey," prepared by Maser Consulting P.A., dated April 6, 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), and the division line between Lot 8 Block 21901, and Lot 8 Block 24601; thence-

1. **S 24°46'55" W, 72.64 feet**, along the westerly line of New Jersey State Highway route 440 to a point of curvature; thence-
2. **SOUTHWESTWARDLY**, on an arc to the right having a radius of **152.00 feet**, and arc length of **82.00 feet** (central angle of **30°54'31"**), said arc being connected by a chord bearing **S 40° 14'10" W**, a chord distance of **81.01 feet**, along the same, to the intersection of the same with the easterly face of a hydraulic barrier wall; thence-

Running through said Lot 8 Block 24601, along said easterly wall face the following two (2) courses:

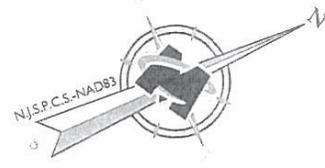
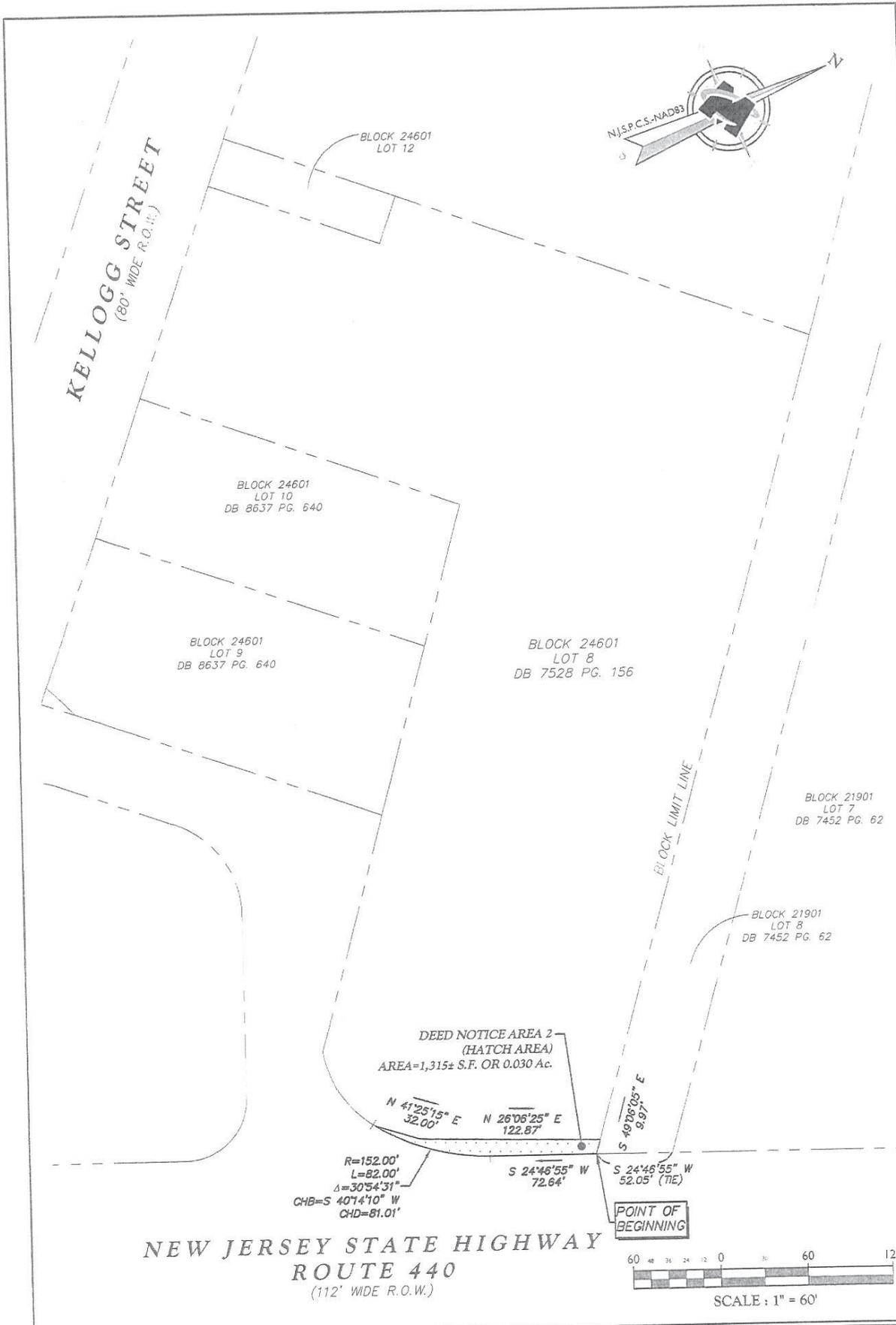
3. **N 41°25'15" E, 32.00 feet**, thence-
4. **N 26°06'25" E, 122.87 feet** to the point and place of **BEGINNING**.

**CONTAINING:** 1,315 S.F. of land more or less or 0.030 acres of land more or less.

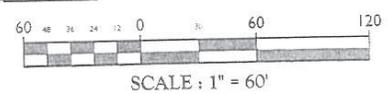
  
GLEN J. LLOYD, P.L.S.  
NEW JERSEY PROFESSIONAL LAND SURVEYOR  
LICENSE NUMBER GS037598

04/06/16  
DATE SIGNED

R:\General\Projects\2010\10000292C\Descriptions\Metes & Bounds-Deed Notice 2.docx



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



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- Lehigh Valley, PA
- Exton, PA
- Philadelphia, PA
- Columbia, MD
- Tampa, FL

REV	DATE	DRAWN BY	DESCRIPTION

DEED NOTICE AREA 2  
SA6 SOUTH

BLOCK 24601  
LOT 8

CITY OF JERSEY CITY  
HUDSON COUNTY  
NEW JERSEY

**811**  
Call before you dig

FOR STATE SPECIFIC CONTACT PHONE NUMBERS  
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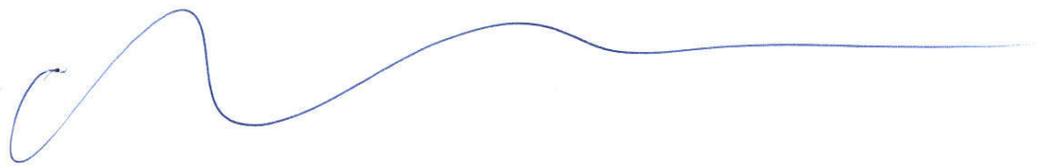
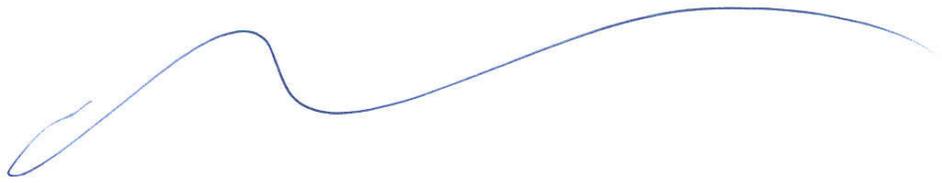
811 BUREAU DIRECT  
Corporate Headquarters  
331 Newark Avenue, 2nd Floor  
Newark, NJ 07102  
Phone: 732.387.1900  
Fax: 732.387.1991

DATE	ISSUED BY	SCALE	PROJECT
4/27/2014	MA	GL	DEED NOTICE EXHIBIT

1 of 1



**Exhibit A-3  
Property Map**





**EXHIBIT B**  
**Deed Notice #2 SA-6 South Deferred Area Adjacent to Route 440 ROW**

**B-1 Restricted Area Maps**  
**B-2 Restricted Area Data Table**  
**Portion of Block 24601, Lot 8**  
**City of Jersey City, New Jersey**

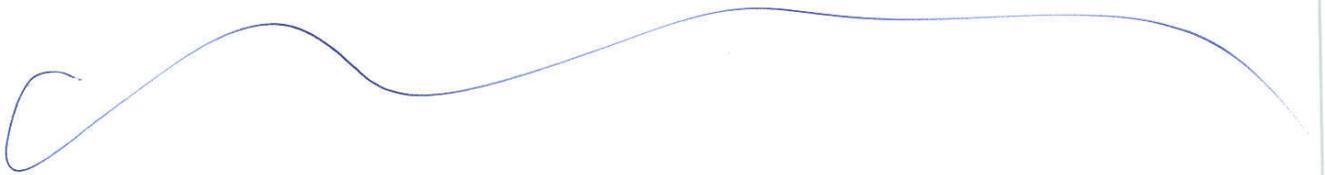
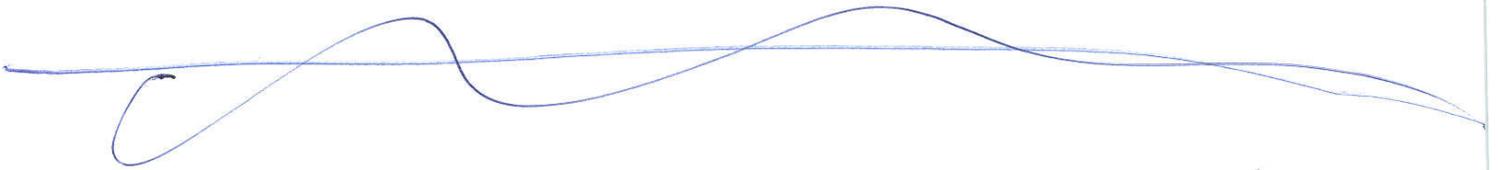
Exhibit B-1 Restricted Area Maps include Exhibit B-1A (Restricted Area and Soil Sample Locations), Exhibit B-1B (Cap System Detail), and Exhibit B-1C (As-Built Restoration Plan).

Exhibit B-2 is a Restricted Area Data Table indicating soil sample locations with concentrations of hexavalent chromium remaining above the level established in the New Jersey Department of Environmental Protection (NJDEP) Chromium Policy of 20 milligrams per kilogram (mg/kg).

**Restricted Area Map Notes:**

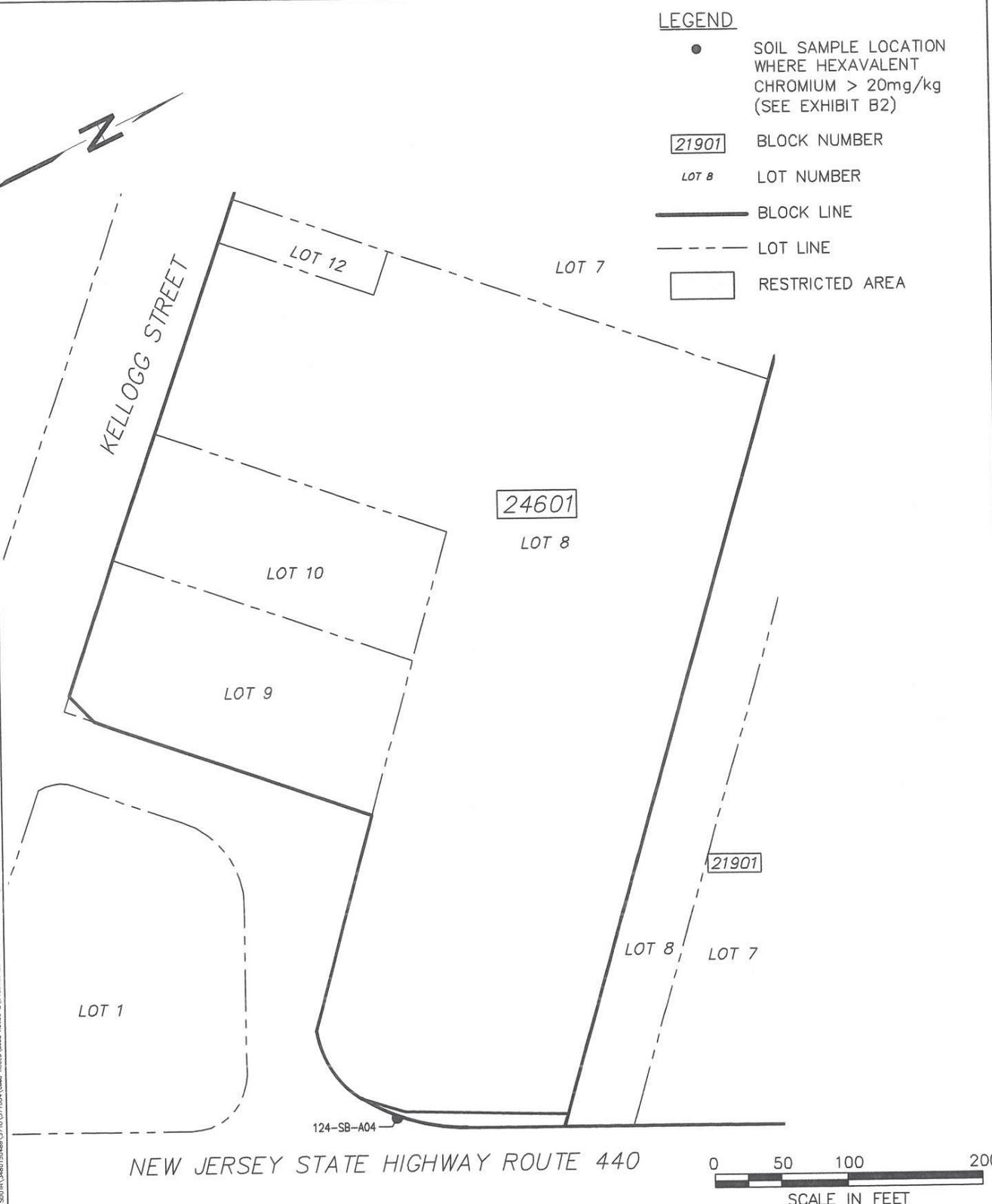
Exhibit B-1 indicates engineering controls. For soils with hexavalent chromium concentrations above 20 mg/kg, the engineering control includes an asphalt cap.

**Exhibit B-1**  
**Restricted Area Maps**



UNLESS OTHERWISE AGREED IN A WRITTEN CONTRACT BETWEEN AMEC FOSTER WHEELER AND ITS CLIENT: (1) THIS DOCUMENT CONTAINS INFORMATION, DATA AND DESIGN THAT IS CONFIDENTIAL AND MAY NOT BE COPIED OR REPRODUCED, AND (2) THE DOCUMENT MAY BE USED FOR THE PROJECT AND SITE ONLY AND NOT FOR ANY OTHER PROJECT OR SITE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

FILED IN HANCOCK COUNTY, NEW JERSEY, CITY OF SOUTH PLAINFIELD, PROJECT NO. 3480150450-5100-8100-2000-449, DATE 01/28/16, DRAWING NO. 3480150450-5100-8100-2000-449, SCALE 1" = 100'



Amec Foster Wheeler PROJECT No. 3480150450  
DRAWING: 3480150450-5100-8100-2000

PREPARED/DATE: STR 01/28/16  
CHECKED/DATE: NW 01/31/17

amec foster wheeler

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

**EXHIBIT B-1A**  
RESTRICTED AREA MAP  
BLOCK 24601 LOT 8  
DEED NOTICE #2 SA-6 SOUTH  
DEFERRED AREA ADJACENT TO ROUTE 440 R.O.W.  
JERSEY CITY, NEW JERSEY

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asc@afw.com

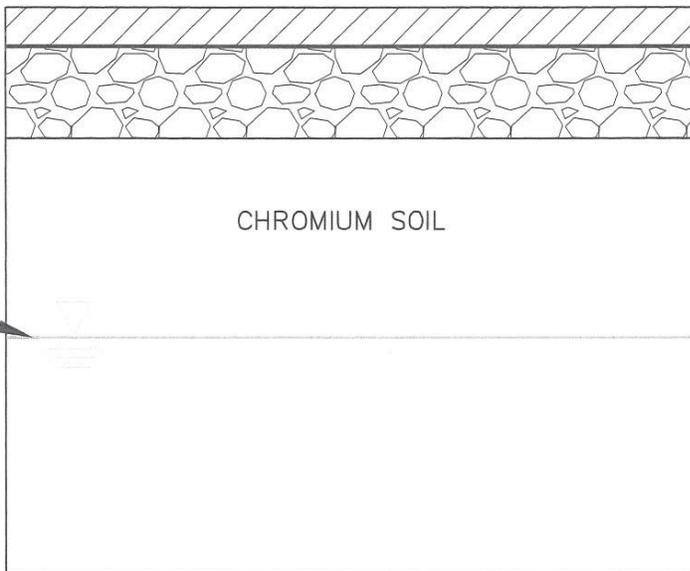
Tue, 14 Nov 2017 11:34pm

3480150450-5100-2000.dwg

ASPHALT CAP

MIN 4-6" ASPHALT SUB-BASE

GROUNDWATER



CHROMIUM SOIL

CAP SYSTEM DETAIL  
NTS

Amec Foster Wheeler PROJECT No. 3480150488  
DRAWING: 3480150450-5100-B200-2000

PREPARED/DATE:  
STR 01/25/17

CHECKED/DATE:  
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amec foster wheeler



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

**EXHIBIT B-1B**

CAP SYSTEM DETAIL  
BLOCK 24601 LOT 8  
DEED NOTICE #2 SA-6 SOUTH  
DEFERRED AREA ADJACENT TO ROUTE 440 R.O.W.  
JERSEY CITY, NEW JERSEY



**Exhibit B-2: Table B-2**  
**Soil Sample Data Table (Hexavalent Chromium)**

The image shows a table structure with four horizontal lines. The top three lines are black and form a rectangular frame. The bottom line is blue and has a wavy, irregular shape. The table is currently empty of data.

**EXHIBIT B-2**  
**Restricted Area Data Table**  
 Deed Notice #2 SA-6 South Deferred Area Adjacent to Route 440 ROW  
 Portion of Block 24601, Lot 8  
 Jersey City, New Jersey

Location	Top of Sample Depth (feet bgs)	Elevation (feet msl) NAVD88	Contaminant	CASR#	NJDEP Chromium SCC (mg/kg)	Soil Concentration (mg/kg)
124-SB-A04	0	8	Hexavalent Chromium	18540-29-9	20	<b>445J</b>
124-SB-A04	2	6	Hexavalent Chromium	18540-29-9	20	<b>81.7J</b>
124-SB-A04	4	4	Hexavalent Chromium	18540-29-9	20	<b>831J</b>
124-SB-A04	6	2	Hexavalent Chromium	18540-29-9	20	<b>8250J</b>

**Notes:**

Results reported in 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

mg/kg - milligrams per kilogram

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

**EXHIBIT C**  
**Deed Notice #2 SA-6 South Deferred Area Adjacent to Route 440 ROW**

**C-1 Institutional Controls**  
**C-2 Engineering Controls**  
**Portion of Block 24601, Lot 8**  
**City of Jersey City, New Jersey**

**C-1 Institutional Controls**

C-1 Deed Notice, Consent Decree (attached), Zoning as Institutional Controls: Exhibit C-1 (A through C) for that portion of Block 24601, Lot 8, City of Jersey City, New Jersey known as the Deferred Area

Exhibits C-1A and C-1B. Exhibit C-1A: Deed Notice as Institutional Control; Exhibit C-1B: Consent Decree 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 is an approximately 15-foot wide, 1,315 square foot area on SA-6 South between the Route 440 Right of Way (“ROW”) and the hydraulic barrier along the eastern edge of the SA-6 South Open Space AOC. Public Service Electric & Gas (“PSE&G”) owns and operates a gas main on the Property, thus, excavation of chromium-impacted soil from the Property was not possible. Excavation of residual chromium contamination proximate to the gas line on the Property will be deferred by Honeywell until the gas line is relocated as part of the Route 440 Road Widening Project. Once the chromium-impacted soils on the Property are removed consistent with Article III of the Consent Decree, this deed notice will be terminated with the requirements of paragraph 13 above. The provisions of the LTMP, developed pursuant to the Consent Decree, will apply to the Property.**

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

*The Property constitutes a portion of Block 24601, Lot 8. The estimated size of the Area containing chromium-impacted soils (hexavalent chromium above 20 mg/kg) as identified on Exhibit B-1 is estimated at approximately 1315 square feet or approximately 0.03 acres.*

(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, the Consent Decree, and the applicable zoning standards. Intrusive activities (i.e., excavation or digging) that breach the engineering controls (as described in Exhibit C-2) will not be permitted on the Property except in compliance with the*

*terms of the Consent Decree and the applicable portions of the LTMP developed thereunder, and this Deed Notice. See subsections 7A Alterations, Improvements, Disturbances, and 7B Emergencies for additional information. A copy of the LTMP is maintained by Honeywell at 115 Tabor Road, Morris Plains, NJ 07950.*

(3) The objective of the restrictions;

*The restrictions will prohibit contact with soils containing hexavalent chromium above the level established in the NJDEP Chromium Policy of 20 mg/kg.*

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

(1) Any disturbances of the soil in the Restricted Areas resulted in the unacceptable exposure to the soil contamination;

*Visual inspections of the Property and other monitoring as set forth in the Consent Decree and the applicable portions of the LTMP developed thereunder.*

(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 the Consent Decree, this Deed Notice, 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 the Consent Decree, 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 #2 SA-6 South Deferred Area Adjacent to Route 440 ROW**

**Portion of Block 24601, Lot 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 an asphalt cap.*

(2) The objective of the engineering controls; and

*The objective of the controls is to prevent contact with soils containing hexavalent chromium above the level established in the NJDEP Chromium Policy of 20 mg/kg.*

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

*The soil engineering controls are intended to function as a barrier to underlying and adjacent soils containing hexavalent chromium above 20 mg/kg within the Property. Monitoring requirements for the engineering controls are set forth in the applicable portions of the LTMP developed pursuant to the Consent Decree.*

(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 the Consent Decree. Other monitoring activities shall be performed as set forth in the applicable portions of the LTMP developed pursuant to the Consent Decree.*

(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 the Consent Decree 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). Other monitoring activities shall be performed as set forth in the applicable portions of the LTMP developed pursuant to the Consent Decree.*

(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;

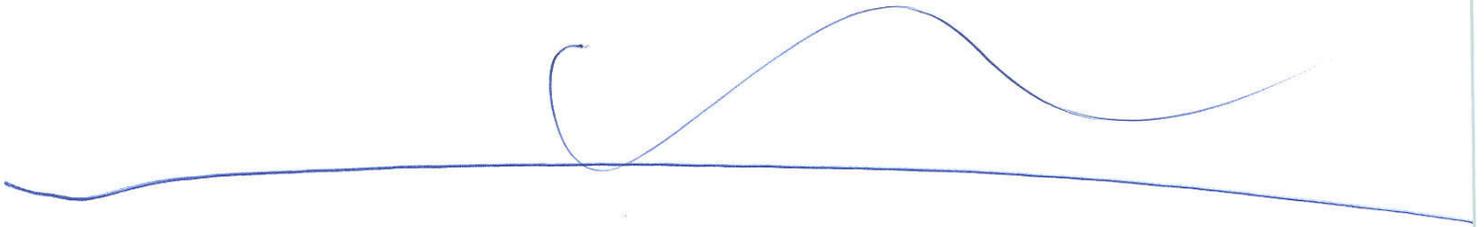
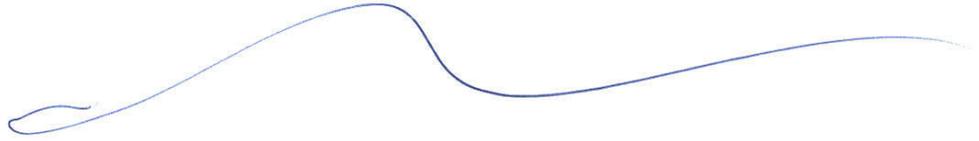
(2) The engineering controls continues to operate as designed; and

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

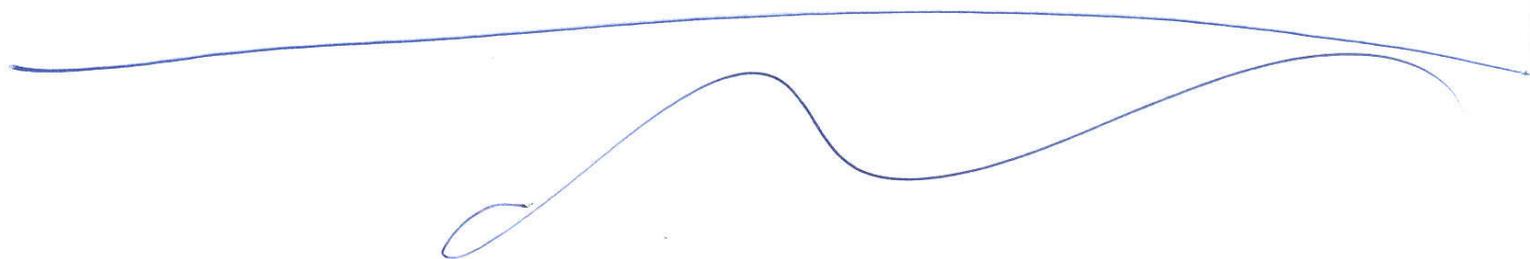
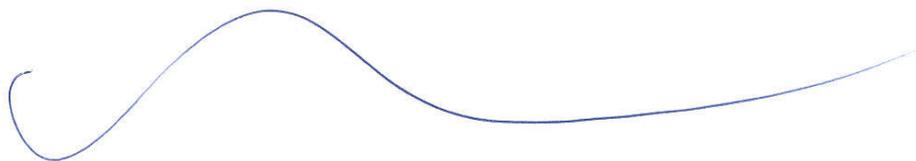
*The monitoring report will be included in the biennial certification. Components of the monitoring report will include the following:*

- *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.*
- *A report to determine whether or not the engineering controls continue to be protective of the public health and safety and of the environment.*



**Appendix I  
Consent Decree**

A handwritten signature in blue ink, consisting of a long horizontal stroke with a small loop on the left side and a larger loop on the right side.A handwritten signature in blue ink, consisting of a long horizontal stroke with a small loop on the left side and a larger loop on the right side.