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July 31, 2023

**VIA REGULAR MAIL AND EMAIL**

The Honorable Jeffrey R. Jablonski, A.J.S.C.  
Superior Court of New Jersey  
Brennan Courthouse  
583 Newark Avenue  
Jersey City, New Jersey 07306

Re: **Progress Report (February 1, 2023 through the date of this Report)** pursuant to New Jersey Department of Environmental Protection, et al. v. Honeywell International, Inc., et al. v. City of Jersey City, et al., Superior Court of New Jersey, Chancery Division, Hudson County, Civil Action No. HUD-C-77-05; Partial Consent Judgment Concerning the PPG Sites filed June 26, 2009 (the “JCO”)

Dear Judge Jablonski:

I respectfully submit this Progress Report pursuant to my responsibilities as independent Site Administrator operating under the JCO (defined above). This Report covers the period February 1, 2023 through the date of this Report.

I submit this Progress Report pursuant to paragraph 1(b)(i)1 of the “Order Administratively Dismissing This Matter Without Prejudice and Retaining Jurisdiction” entered by Judge Sarkisian on May 4, 2016. That Order requires that I provide Progress Reports to the Court twice per year. This is my fifteenth Progress Report since being appointed Site Administrator. The prior Progress Reports are dated July 29, 2016, January 27, 2017, July 28, 2017, January 30, 2018, July 31, 2018, January 24, 2019, July 31, 2019, March 5, 2020, July 31, 2020, January 29, 2021, July 30, 2021, January 31, 2022, July 27, 2022 and January 31, 2023. All of those Progress Reports have been posted to the Chromium Cleanup Partnership web site ([www.chromiumcleanup.com](http://www.chromiumcleanup.com)) so that the public is kept apprised of the remediation activities at the PPG chromium sites.

In addition to serving as Site Administrator, I sometimes function as a mediator pursuant to the February 22, 2016 “Order Referring Third-Party Complaint and Referring Certain Matters to Mediation and Entering Stay” or as requested by interested parties

relative to the PPG chromium sites. Section VII. of this Report addresses the status of mediation proceedings I am handling.

### **I. Master Schedule Revisions**

A revised Master Schedule dated July 31, 2023 is attached as **Exhibit 1** to this Report. The new Master Schedule provides the most up to date remediation activity milestones.

### **II. Release of Sites from JCO and Transition of Some Sites to the LSRP Program.**

My January 31, 2022 Progress Report explains the procedures that were agreed upon among PPG, NJDEP and the City of Jersey City (collectively, the “JCO Principals”) for the release of a site, or portions of sites, from the JCO. A listing of each of the sites or portions of sites that have been released from the JCO is set forth as Attachment 1 to the new Master Schedule.

### **III. Groundwater Remediation Efforts at the GAG Sites.**<sup>1</sup>

In my January 31, 2022 Progress Report, I reported that NJDEP approved both a Remedial Investigation Report (“RIR”) and a Remedial Action Work Plan (“RAWP”) for the overburden<sup>2</sup> groundwater at the GAG Sites.<sup>3</sup> It was, however, agreed among PPG, NJDEP and the other JCO Principals that PPG would investigate the bedrock water bearing zone at the GAG Sites on a schedule separate from the schedule established for the overburden water bearing zones.

On September 23, 2022 PPG submitted an Addendum to Groundwater RIR and Groundwater RAWP for Bedrock Water-Bearing Zone (the “Bedrock Groundwater RIR/RAWP”). NJDEP issued comments to the Bedrock Groundwater RIR/RAWP on December 20, 2022. The NJDEP comments stated, among other things, that: “The delineation of total chromium to the Department’s groundwater quality standard (GWQS) in the bedrock water-bearing zone has not yet been fully demonstrated.”

On March 9, 2023, PPG responded to NJDEP’s December 20, 2022 comments and re-submitted the Bedrock Groundwater RIR/RAWP. Subsequent technical meetings and discussions among the JCO Principals were held to discuss the Bedrock Groundwater RIR/RAWP. In a June 16, 2023 email NJDEP requested four items from PPG “to help

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<sup>1</sup> All soil remediation field activities have been completed at the GAG Sites. Only final reporting and approvals by NJDEP of soil remedial action permit applications, where required, remains to be accomplished to achieve regulatory closure of the soils at the GAG Sites. Therefore, this Progress Report and future reports will focus on the groundwater work at the GAG Sites.

<sup>2</sup> The “overburden” water bearing zones include groundwater in water bearing zones that lie in soils above the bedrock as opposed to groundwater located in the bedrock.

<sup>3</sup> **Schedule 1** to this Progress Report sets forth definitions/descriptions of the “GAG Sites,” the “GAG Roadways,” the “GAG Off-Site Properties” and the “Non-GAG Sites.” The referenced groundwater reports address groundwater that underlies portions of the GAG Sites, the GAG Roadways and GAG Off-Site Properties.

resolve some of the technical issues discussed” related to PPG’s March 2023 re-submitted Bedrock Groundwater RIR/RAWP.

On June 30, 2023, one of PPG’s consultants sent a letter to David Haymes, Assistant Commissioner, NJDEP, requesting approval of the March 2023 Bedrock Groundwater RIR/RAWP. In the letter, through its consultant, PPG set forth its position as to why the Bedrock Groundwater RIR/RAWP should be approved. PPG also responded in that letter to each of the four items requested by NJDEP in its June 16 email.

As of the date of this letter NJDEP has not responded to PPG’s June 30 request for approval of the Bedrock Groundwater RIR/RAWP, although the Department has indicated that it will be providing formal written comments to the Bedrock Groundwater RIR/RAWP in August 2023. Approval of the Bedrock Groundwater RIR/RAWP is a condition that must be satisfied before PPG can achieve approval of the Groundwater RAR for the GAG Sites. NJDEP has indicated that it also requires as a condition to approval of the Groundwater RAR the technical information requested in a May 5, 2023 letter from David Haymes, Assistant Commissioner, NJDEP, PPG has indicated that it intends to submit the Groundwater RAR to the JCO Principals in August 2023.

Notwithstanding the ongoing technical discussions, PPG continues to perform remediation of the chromium contamination in the groundwater at the GAG Sites. Those remediation efforts include, among other things, injection of reagents into the groundwater using a combination of anaerobic bioprecipitation and chemical reduction to treat or reduce hexavalent chromium concentrations.

In accordance with the approved Groundwater RAWP for the overburden water bearing zones, PPG has submitted quarterly Groundwater Remedial Action Progress Reports. These progress reports document the effectiveness of PPG’s groundwater remediation strategy, including whether the evidence shows that NJDEP’s applicable Groundwater Quality Standards will be achieved. PPG has submitted quarterly Groundwater Remedial Action Progress Reports covering the period between January 1, 2022 through March 31, 2023. Sample results from the Q2 2023 groundwater sampling event will be included in the Remedial Action Report that PPG currently intends to submit in August 2023.

I will keep the Court apprised of the issues surrounding the Bedrock Groundwater RIR/RAWP and any other issues related to the overall groundwater remedy in my next Progress Report (due January 2024) and my next quarterly letter to the Court (due in October 2023), if not sooner, including any potential conflicts between the remediation and redevelopment efforts. PPG’s activities will be carefully monitored to ensure the continued protection of human health and the environment.

#### **IV. Inquiry from New Jersey Together and Natural Resources Defense Council**

On June 20, 2023 a joint letter (attached as **Exhibit 2** to this Progress Report) was sent by New Jersey Together (“NJT”) and the Natural Resources Defense Council (“NRDC”) to NJDEP Commissioner Shawn M. LaTourette. The letter was signed on behalf of NJT by Reverend Dr.

Willard Ashley and Reverend Dr. Alonzo Perry, Sr. Attorney Lauren P. Phillips signed on behalf of the NRDC. The letter requested a meeting with Commissioner LaTourette “to discuss the ongoing cleanup by PPG Industries of the chromium-contaminated sites in the area of PPG’s former chromate chemical manufacturing plant in Jersey City (‘the Garfield Avenue site’).”

The NRDC is a non-profit international environmental advocacy group founded in 1970. NJT is the successor organization to the Interfaith Community Organization (“ICO”).

The NRDC and ICO sued PPG in federal court in 2009. The case caption and docket is *Interfaith Community Organization, et als. v. PPG Industries, Inc.* (Civil Action No. 09-480 ). The case resulted in a Consent Decree entered in April 2011 (attached as **Exhibit 3** to this Report). Pursuant to the Consent Decree PPG is required, inter alia, to meet certain defined soil and groundwater chromium remediation requirements.

On June 21, 2023 I received an email from Joe Morris (attached as **Exhibit 4** to this Report), Senior Organizer for Metro Industrial Areas Foundation (“Metro”). Metro is an affiliate of NJT. Mr. Morris requested a “phone call or online meeting” with me. His email provided me with a copy of the June 20 letter from NJT/NRDC to Commissioner LaTourette and a detailed list of “questions and concerns” that had been included in the June 20 letter. I responded to Mr. Morris’ email on June 23, 2023 (attached as **Exhibit 5** to this Report).

On July 10, 2023 PPG provided responses (attached as **Exhibit 6** to this Progress Report) to each of NJT/NRDC’s list of questions and concerns attached to the June 20 letter from NJT/NRDC to Commissioner LaTourette.<sup>4</sup> PPG’s responses were also provided to me by PPG. I sent PPG’s responses to the JCO Principals.

My jurisdiction in responding to NJT and NRDC’s questions and concerns is governed by this court’s JCO, not by the 2011 federal court Consent Decree. Paragraph 49 of the JCO defines my “powers and purpose” as Site Administrator. I am charged with the responsibility of attending and participating “in community or public meetings to discuss proposed remedial measures at the PPG Sites.” I keep the public informed via public meetings, newsletters, periodic Progress Reports to the Court, responding to individual inquiries from the public, and maintaining a comprehensive current website available at [www.chromiumcleanup.com](http://www.chromiumcleanup.com). NJT and NRDC are clearly interested and responsible members of the public whose questions and concerns are within my “powers and purpose” to address under the JCO.

Under paragraph 8 of the JCO I am responsible for interacting with PPG and the redeveloper to ensure that the PPG Sites are “remediated in a manner that permits redevelopment consistent with the redevelopment plan adopted by Jersey City.” I exercise my function under paragraph 8 of the JCO by facilitating coordination of remediation efforts with redevelopment activities. At this Court’s request, I regularly submit reports to the Court as to the status of remediation and redevelopment progress. My most recent redevelopment report is dated July 27, 2023.

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<sup>4</sup> The list of NJT/NRDC’s questions and concerns that was attached to their June 20 letter to Commissioner LaTourette, was first provided to the JCO Principals on June 8, 2023 by the City of Jersey City at the request of the Jersey City Redevelopment Authority.

On July 20, 2023 I participated in a Zoom meeting with a number of NJT/NRDC attorneys and lay members. It was a very productive meeting. We discussed a variety of matters related to remediation and redevelopment. In particular, NJT/NRDC had specific questions and concerns about the effectiveness of PPG's proposed remedy for the groundwater contamination, as well as the affordability and safety of the residences to be constructed at the GAG sites. I assured the NJT/NRDC that I shared their concern that the remediation be done safely, effectively, and efficiently which, from the inception of my appointment as Site Administrator, has always been my primary goal.

I have made it clear to the NJT/NRDC representatives with whom I have communicated that I am committed to addressing their concern that, in their words, "future generations in Jersey City can use this long-contaminated land without fear of health and environmental damage."

#### **V. Status of Remediation of the GAG Roadways and GAG Off-Site Properties**

Garfield Avenue (between Carteret Avenue and the NJ Transit Line): PPG's Remedial Action Report ("RAR") for soils at this site was approved by NJDEP on February 1, 2023. PPG submitted a Soil Remedial Action Permit ("RAP") application to NJDEP on June 29, 2023, which included a Notice in Lieu of Deed Notice executed by the City of Jersey City. Once the RAP is issued, a Consent Judgment Compliance Letter will be issued and the soils at this site will be transitioned out of the JCO.

Carteret Avenue (between Garfield Avenue and Pacific Avenue): The RAR documenting the remediation of soils in this portion of roadway was approved by NJDEP on September 29, 2021. PPG submitted a Soil RAP application to NJDEP on December 14, 2022. The RAP application included a Notice in Lieu of Deed Notice executed by the City of Jersey City. Once the RAP is issued, a Consent Judgment Compliance Letter will be issued and the soils at this site will be transitioned out of the JCO.

Pacific Avenue/Caven Point Avenue: The RAR documenting the remediation of soils in these roadways was approved by NJDEP on March 31, 2022. PPG applied for a Soil RAP on January 5, 2023, which included a Notice in Lieu of Deed Notice executed by the City of Jersey City. Once the RAP is issued, a Consent Judgment Compliance Letter will be issued and the soils at this site will be transitioned out of the JCO.

Former Halsted Corporation Property (78 Halladay Street): PPG's RAR for this site was approved by NJDEP and a Consent Judgment Compliance Letter was issued on March 7, 2023. Accordingly, this site has been transitioned out of the JCO.

Forrest Street Properties (84, 86-90 and 98-100 Forrest Street): On June 13, 2023, PPG submitted an RAR for this site documenting the current-use remedial action for CCPW-impacted soils. Approval of the RAR is pending.

Ten West Apparel Property (800 Garfield Avenue, Jersey City) and Adjacent Parcels: PPG's RAR for the soils at this site and adjacent parcels was approved by NJDEP

and a Consent Judgment Compliance Letter was issued on July 26, 2023. Accordingly, this site has been transitioned out of the JCO.

## **VI. Status of Remediation of the Non-GAG Sites**

Site 16, Linden Avenue East: There are three areas of concern at this Site that require attention.

PPG has submitted several iterations of a RAWP for CCPW-related impacts beneath the building (AOC-3). The most recent version of the AOC-3 RAWP was submitted on May 4, 2023. NJDEP issued comments to that submittal on July 14, 2023. In those comments, NJDEP determined that the use of the building floor and foundation in its current condition as the engineering control is not an acceptable method to ensure protectiveness from CCPW impacts. Next steps are under consideration.

AOC-4 (CCPW-Related Impacts in the Right of Way): CCPW-related impacts were identified in the Linden Avenue East right of way adjacent to Site 16. This area has been designated AOC-4. PPG submitted a RAWP/RAR for AOC-4 on June 24, 2022. The RAWP/RAR proposed a restricted use remedy calling for institutional and engineering controls for this AOC. NJDEP provided comments to the RAWP/RAR on September 2, 2022. PPG has determined that CenterPoint LLC and NJDOT both own title to portions of AOC-4. CenterPoint LLC has agreed to a deed notice. Discussions with NJDOT are on-going

AOC-2 (Groundwater): PPG submitted an RIR Addendum for Groundwater on June 9, 2020. The RIR Addendum was approved by letter from NJDEP dated August 13, 2020. PPG anticipates submitting a groundwater RAR by September 2023.

Site 63, Baldwin Oil (1 Burma Road): NJDEP approved PPG's remediation of the soils at this Site in 2018. PPG's efforts are now focused on groundwater at this Site, including Site 65.<sup>5</sup> PPG submitted a Groundwater RAR on June 28, 2022. Based upon comments from NJDEP, PPG anticipates revising the RAR and re-submitting it in January 2024.

Site 107, Site 108 and the Conrail Property (Chapel Avenue Area): Because these three sites are contiguous they are grouped in this Report.

Site 107: All excavation, backfilling and restoration of soils at this Site have been completed and NJDEP approvals issued. PPG's efforts are now focused on groundwater at this Site. PPG submitted an RIR/RAWP for groundwater on May 3, 2022. NJDEP provided comments on July 8, 2022. Additional responses and

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<sup>5</sup> The JCO Parties have agreed that any impacted groundwater at Site 65 (which includes portions of Burma Road and Morris Pesin Drive and is situated adjacent to Site 63) will be deemed to have emanated from Site 63 and will be addressed in connection with the Site 63 groundwater investigation.

comments were exchanged between PPG and NJDEP. The need for an off-site and downgradient sentinel/delineation monitoring well remains in dispute.

Site 108: PPG completed some excavation of CCPW-related impacts at this Site. In May 2021, PPG submitted a RAWP/RAR that called for institutional and engineering controls with respect to the remaining CCPW-related impacts. NJDEP provided its review of the RAWP/RAR in September 2021. Finalization of the RAWP/RAR has been deferred pending property owner consent to the proposed remedy. Coordination with the property owner is on-going.

Conrail Property: PPG initiated a supplemental remedial excavation in July 2023 that is expected to continue through October 2023 on weekends only, with the intention of achieving an unrestricted use remedy for this site.

Site 174 – Portion of Dennis Collins Park (Bayonne): PPG’s soils RAR for this site was approved by NJDEP on February 1, 2023. PPG anticipates submitting a Soil RAP application to NJDEP in August, 2023, which will include a recorded Deed Notice and a Notice in Lieu of Deed Notice executed by the City of Bayonne. Once the RAP is issued, a Consent Judgment Compliance Letter will be issued and the soils at this site will be transitioned out of the JCO. An RIRA/RAWP for Groundwater was submitted by PPG for review on October 14, 2022 and NJDEP provided comments on February 24, 2023. Revision of the RIRA/RAWP for Groundwater is currently on hold. PPG conducted additional groundwater sampling in April 2023 and will be conducting additional groundwater sampling in August 2023 and October 2023. The nature of any future submittal(s) is dependent upon a review of the additional groundwater sample results.

457 Communipaw Avenue: PPG submitted a soils RIR/RAWP/RAR (Revision 1) on November 22, 2022 that proposed a restricted use remedy with institutional and engineering controls. Review and finalization of the RIR/RAWP/RAR is currently on hold pending resolution between PPG and NJDEP regarding NJDEP’s request for a limited excavation of the site by PPG. On June 22, 2023, PPG submitted a “Structural and Geotechnical Evaluation of Remedial Excavation” and groundwater analytical data for two completed groundwater sampling events (February 26, 2023 and May 21, 2023) at the three groundwater monitoring wells located at the site. On the basis of that submittal, PPG concluded that all of the chromium impacted soils at this site could not be removed without potential structural impacts to buildings located at the site. PPG requested approval of the proposed current-use remedy, consisting of engineering controls, institutional controls, and associated monitoring. NJDEP and City review of PPG’s June 22 submittals are expected to be completed in August 2023.

As regards groundwater, PPG has completed two rounds of groundwater sampling at this site. An additional round of sampling will be conducted in August 2023. Assuming all results are less than the NJDEP Groundwater Quality Standards, PPG anticipates submitting an RIR for groundwater in December 2023

## **VII. Mediation Proceedings**

I function as a Court-appointed Mediator pursuant to the February 22, 2016 “Order Referring Third-Party Complaint and Referring Certain Matters to Mediation and Entering Stay.” Pursuant to that Order, I was appointed to mediate claims by the Jersey City Redevelopment Agency (“JCRA”), Hampshire Urban Renewal Redevelopment, L.L.C. and 900 Garfield Avenue, L.L.C. against PPG concerning the remediation and restoration of Site 114 (owned by Hampshire) and Site 132 (owned by JCRA), terms of a deed notice(s) for those sites and reimbursement of JCRA and Hampshire for incremental costs with respect to those sites. I have held numerous mediation proceedings on this matter. The parties have resolved the claims related to the deed notices. Hampshire and JCRA have executed deed notices for Site 114. The claims related to incremental costs remain unresolved.

The parties requested that I not declare the mediation to be at an impasse, although it was my intention to do so. Instead, the mediation proceedings have been suspended. I will continue to monitor the situation to determine whether I should resume my mediation efforts and, if so, when.

### **VIII. Communications with the Site 114 Property Owner/Redeveloper**

Pursuant to the Court’s direction during an August 27, 2020 conference call with the Redeveloper, PPG, NJDEP and the City of Jersey City, I have filed the following reports with the Court regarding the progress of PPG’s remediation activities at Site 114 and any potential impacts on redevelopment: November 30, 2020, February 26, 2021, June 2, 2021, September 10, 2021, November 10, 2021, February 18, 2022, May 19, 2022, September 23, 2022, January 20, 2023 and July 27, 2023. The Redeveloper recently reported that construction will not commence until Q2 2024 – Q3 2024.

### **IX. Current and Future Activities**

Web Site: My office, with the help of the JCO Parties, maintains a web site referred to as the Chromium Cleanup Partnership, which can be found at [www.chromiumcleanup.com](http://www.chromiumcleanup.com). Critical remediation reports and other important documents are posted to the web site. We are continually updating the web site to include the most recent information about the PPG chromium sites. This Progress Report with all attachments/enclosures, including the new Master Schedule, will be posted to the web site. All of my prior Progress Reports have also been posted to the web site.

Newsletter: A newsletter summarizing the status of activities at the PPG chromium sites was published in December 2022. The newsletter is widely distributed throughout the community and, historically, has been published at least once per calendar year. All newsletters are posted to the Chromium Cleanup Partnership web site.

Public Meetings: At the present time, I have not scheduled any public meetings. Our postings to the Chromium Cleanup Partnership web site (which include this Progress Report) and the newsletters that are distributed to the public will hopefully be sufficient to advise the public of the status of the remediation work. I am always available to address public inquiries

via phone and email. I have done so on many occasions. I anticipate that I will be actively addressing the questions and concerns raised by NJT/NRDC.

PPG Employment Reports: PPG's Q3 and Q4 2022 Employment Reports are attached as **Exhibit 7** to this Report.

As is evident from this Report, good progress toward completion of my responsibilities as Site Administrator under the JCO continues to be made. All of the JCO Parties have been cooperative and are working diligently with me to complete the work required by the JCO.

Respectfully submitted,

*/s/ Ronald J. Riccio*

Ronald J. Riccio  
Site Administrator

Attachments:

- **Schedule 1**: Definitions/Descriptions
- **Exhibit 1**: Master Schedule with figures/maps
- **Exhibit 2**: Letter from NJT/NRDC to NJDEP Commissioner
- **Exhibit 3**: Consent Decree - *Interfaith Community Organization, et als. v. PPG*
- **Exhibit 4**: Email from Joe Morris, NJT to Site Administrator
- **Exhibit 5**: Email from Site Administrator to Joe Morris, NJT
- **Exhibit 6**: PPG Responses to NJT/NRDC List of Questions
- **Exhibit 7**: Q3 and Q4 2022 Employment Reports

cc: Via email: PPG, NJDEP and the City of Jersey City

## **SCHEDULE 1**

### **DEFINITIONS/DESCRIPTIONS**

Attached to the revised Master Schedule (Attachment 1 to this Progress Report) are Figure 1 and Figure 2. These figures depict the “Garfield Avenue Group” of sites (the “GAG Sites”), the Garfield Avenue Group Phase 4 Roadways (the “GAG Roadways”) and the Garfield Avenue Group Phase 5 – Off-Site Properties (the “GAG Off-Site Properties”). The “Non-GAG Sites” include all PPG sites that are not GAG Sites, GAG Roadways or GAG Off-Site Properties.

The “GAG Sites” include the following parcels, broken down as soil excavation “Phases,” shown on Figure 1 and Figure 2:

- IRM #1, located within Site 114;
- Phases 1A and 1B, considered the Southwest Area within Site 114;
- Phase 1C, located within Site 114;
- Phase 2A, located within Site 114;
- Phase 2B, which includes Phases 2B-1 through 2B-4, located within Site 114;
- Phase 3A, which includes Site 132 and most of Site 143;
- Phase 3B North, which includes a portion of Site 132 and a portion of Site 137;
- Phase 3B South, which includes Site 133 West, a portion of Site 137, the former Fishbein property, the former Ten West Apparel property, and a small portion of Halladay Street South; and
- Phase 3C, which includes Site 133 East, the remainder of Halladay Street South, and Site 135 North.

The “GAG Roadways” are roadways surrounding the GAG Sites where chromium-impacted soils were identified, including Halladay Street, Forrest Street, Carteret Avenue, Garfield Avenue (from Carteret Avenue to the Light Rail) and in portions of Pacific Avenue and Caven Point Avenue.

The “GAG Off-Site Properties” include chromium-impacted properties adjacent to the GAG Sites, including the following properties: former Halsted Corporation, Forrest Street Properties, Ten West Apparel, 816 Garfield Avenue (former Fishbein Parcel) and Al Smith Moving.

**EXHIBIT 1**  
**MASTER SCHEDULE**  
**(ATTACHED)**

**Master Schedule for the NJ PPG Chrome Remediation Sites**

**(Exhibit 2/3)**

**Revision Date: July 31, 2023**

**SOILS - GARFIELD AVENUE SITES**

Group/Phase or Site (See Fig. 1 attached)	Property Description (Owner) (See Fig. 2 attached)	Access/Road Closure Plan	Excavation Start Actual OR Required	Excavation Complete Actual OR Required	Backfill Complete Actual OR Required	Restoration Complete Actual OR Required	RAR Determination	Comments
GA Group Phase 4 Roadways	Carteret Avenue (Jersey City)	Road Closure in Place	6/3/2019	1/15/2020	2/7/2020	12/16/2020	9/28/2021	PPG submitted a Soil Remedial Action Permit ("RAP") application to NJDEP on December 14, 2022, which included a Notice in Lieu of Deed Notice executed by the City of Jersey City. Once the RAP is issued, a Consent Judgment Compliance Letter will be issued and the soils at this site will be transitioned out of the JCO. See Soil Note 8 regarding MGP contamination.
	Garfield Avenue (Jersey City)	See Comments	See Comments	See Comments	See Comments	See Comments	2/1/2023	PPG submitted a Soil RAP application to NJDEP on June 29, 2023, which included a Notice in Lieu of Deed Notice and Deed Notice executed by the City of Jersey City. Once the RAP is issued, a Consent Judgment Compliance Letter will be issued and the soils at this site will be transitioned out of the JCO.
	Pacific Avenue/ Caven Point Avenue (Jersey City)	See Comments	See Comments	See Comments	See Comments	See Comments	3/31/2022	PPG submitted a Soil RAP application to NJDEP on January 5, 2023, which included a Notice in Lieu of Deed Notice executed by the City of Jersey City. Once the RAP is issued, a Consent Judgment Compliance Letter will be issued and the soils at this site will be transitioned out of the JCO.
GA Group Phase 5 Off-Site Properties	Forrest Street Properties 84, 86-90, and 98-100 Forrest St (Halladay Forest LLC)	Access Agreement in Place	See Comments	See Comments	See Comments	See Comments	TBD	On June 13, 2023, PPG submitted an RAR for Forrest Street Properties (AOC FSP-1C, AOC FSP-1D, AOC FSP-1E, AOC FSP-1F, AOC FSP-1G, AOC FSP-1H, AOC FSP-1I, AOC FSP-1J, and AOC FSP-1K) Soil, Current-Use, Final. The RAR documents the current-use remedial action for CCPW-impacted soils in Forrest Street Properties. Approval of the RAR is pending. See Soil Note 8 regarding MGP contamination.

**Master Schedule for the NJ PPG Chrome Remediation Sites**  
**(Exhibit 2/3)**  
**Revision Date: July 31, 2023**

**SOILS - NON-GARFIELD AVENUE GROUP SITES**

Group/Phase or Site	Property Description (Owner)	Access/Road Closure Plan	Excavation Start Actual OR Required	Excavation Complete Actual OR Required	Backfill Complete Actual OR Required	Restoration Complete Actual OR Required	RAR Determination	Comments
Site 16	45 Linden Ave. East (Etzion) (AOC-3)	Access Agreement in Place	6/16/2014 (See Comments)	See Comments	See Comments	See Comments	January 2024	PPG has submitted several iterations of a RAWP for CCPW-related impacts beneath the building (AOC-3). The most recent version of the AOC-3 RAWP was submitted on May 4, 2023. NJDEP issued comments to that submittal on July 14, 2023. In those comments, NJDEP determined that the use of the building floor and foundation in its current condition as the engineering control is not an acceptable method to ensure protectiveness from CCPW impacts.
	Linden Ave. East (CenterPoint LLC and NJDOT) (AOC-4)	Access Agreement in Place	See Comments	See Comments	See Comments	See Comments	January 2024	CCPW-related impacts were identified in the Linden Avenue East right of way adjacent to Site 16. This area has been designated AOC-4. PPG submitted a RAWP/RAR for AOC-4 on June 24, 2022. The RAWP/RAR proposed a restricted use remedy calling for institutional and engineering controls for this AOC. NJDEP provided comments to the RAWP/RAR on September 2, 2022. PPG has determined that CenterPoint LLC and NJDOT both own title to portions of AOC-4. CenterPoint LLC has agreed to a deed notice. Discussions with NJDOT are on-going
Conrail Right-of-Way (AOC Adjacent to Site 107 and Site 108)	Conrail Right-of-Way (Conrail)	Access Agreement in Place	6/13/2018 (See Comments)	October 2023	October 2023	October 2023	July 2024	PPG initiated a supplemental remedial excavation in July 2023 that is expected to continue through October 2023 on weekends only, with the intention of achieving an unrestricted use remedy for this site.
Site 108	Albanil Dyestuff (Jersey City Logistics, LLC)	Access Agreement in Place	6/13/2018 (See Comments)	See Comments	See Comments	See Comments	TBD	PPG completed some excavation of CCPW-related impacts at this Site. In May 2021, PPG submitted a RAWP/RAR that called for institutional and engineering controls with respect to the remaining CCPW-related impacts. NJDEP provided its review of the RAWP/RAR in September 2021. Finalization of the RAWP/RAR is on hold pending property owner consent to the proposed remedy.
Site 174	Dennis Collins Park (City of Bayonne)	Access Agreement in Place (See Comments)	4/8/2013	9/30/2016	9/30/2016	9/30/2021	2/1/2023	PPG anticipates submitting a Soil RAP application to NJDEP in August, 2023, which will include a recorded Deed Notice and a Notice in Lieu of Deed Notice executed by the City of Bayonne. Once the RAP is issued, a Consent Judgment Compliance Letter will be issued and the soils at this site will be transitioned out of the JCO.
457 Communipaw	457 Communipaw Right-of-Way (285 Lincoln Avenue, LLC)	Access Agreement in Place	January 2016	See Comments	See Comments	See Comments	TBD	PPG submitted a soils RIR/RAWP/RAR (Revision 1) on November 22, 2022 that proposed a restricted use remedy with institutional and engineering controls. Review and finalization of the RIR/RAWP/RAR is currently on hold pending resolution between PPG and NJDEP regarding NJDEP's request for a limited excavation of the site by PPG. On June 22, 2023, PPG submitted a "Structural and Geotechnical Evaluation of Remedial Excavation" and groundwater analytical data for two completed groundwater sampling events (February 26, 2023 and May 21, 2023) at the three groundwater monitoring wells located at the site. On the basis of that submittal, PPG requested approval of the proposed current-use remedy, consisting of engineering controls, institutional controls, and associated monitoring. NJDEP and City review of that submittal are expected to be completed in August 2023.  In October 2022, PPG installed an engineering control in the basement of the 465 Communipaw Avenue building to address previously observed chromium blooms.

**Master Schedule for the NJ PPG Chrome Remediation Sites**

**(Exhibit 2/3)**

**Revision Date: July 31, 2023**

**Groundwater**

GA GROUP GROUNDWATER MILESTONES					
Group/Phase or Site	Property Description (Owner)	RIR Submittal /Anticipated Review-Approval	RAWP Submittal /Anticipated Review-Approval	RAR Submittal /Anticipated Review-Approval	Comments
Remedial Investigation Report (Overburden)	Entire Site Group	3/24/2021	N/A	N/A	
		1/7/2022			
Remedial Investigation Report/Remedial Action Work Plan (Bedrock)	Entire Site Group	9/23/2022	N/A	N/A	On September 23, 2022, PPG submitted an addendum to the RIR/RAWP for the Bedrock Water Bearing Zone. NJDEP provided comments to the RIR/RAWP Addendum on December 20, 2022. PPG submitted a revised version of the RIR/RAWP Addendum on March 9, 2023. Several technical meetings were subsequently held to discuss the RIR/RAWP Addendum and the Department's comments to that submittal. On June 30, 2023, PPG's consultants submitted a letter to the NJDEP Assistant Commissioner requesting approval of the RIR/RAWP Addendum. NJDEP intends to issue comments to the RIR/RAWP Addendum in August 2023.
		August 2023			
Remedial Action Work Plan (Overburden)	Entire Site Group	N/A	3/31/2021	N/A	Pursuant to the approved RAWP, PPG has submitted quarterly Groundwater Remedial Action Progress Reports covering the period between January 1, 2022 through March 31, 2023. Sample results from the Q2 2023 groundwater sampling event will be included in the Remedial Action Report that PPG currently intends to submit in August 2023.
			1/31/2022		
Remedial Action Report	Entire Site Group	N/A	N/A	August 2023	Assuming an August 2023 submittal of an RAR covering all water bearing zones in approvable form (i.e., sufficient data to document compliance with the approved RAWP and the requirements of N.J.A.C. 7:26E-5.7), review/approval by NJDEP would be anticipated by March 2024.
				March 2024	

NON-GA GROUP GROUNDWATER MILESTONES					
Group/Phase or Site	Property Description (Owner)	RIR Submittal /Anticipated Review-Approval	RAWP Submittal /Anticipated Review-Approval	RAR Submittal /Anticipated Review-Approval	Comments
Site 16	(see non-GAG Soils table)	10/28/2019	TBD	September 2023	PPG submitted an RIR Addendum for Groundwater on June 9, 2020. The RIR Addendum was approved by letter from NJDEP dated August 13, 2020. PPG anticipates submitting a groundwater RAR by September 2023.
		8/13/2020	TBD	February 2024	
Site 63	(see non-GAG Soils table)	RIRA/RAWP Submittal: 12/6/2021		RAR Submittal: 6/28/2022 (See Comments)	PPG submitted a Groundwater RAR on June 28, 2022. Based upon comments from NJDEP, PPG anticipates revising the RAR and re-submitting it in January 2024.
		RIRA/RAWP Approval: 3/31/2022		February 2024	
Site 107, Site 108 and Conrail Right-of-Way	(see non-GAG Soils table)	RIR/RAWP Submittal: 5/3/2022		June 2024	The RIR/RAWP was submitted on May 3, 2022. NJDEP provided comments on July 8, 2022. Additional responses and comments were subsequently exchanged between PPG and NJDEP. The need for an off-site and downgradient sentinel/delineation monitoring well remains in dispute.
		December 2024		December 2024	
Site 174	(see non-GAG Soils table)	RIRA/RAWP Submittal: 2/25/2022 (See Comments)		January 2024	PPG submitted an RIRA/RAWP for Groundwater on February 25, 2022 and NJDEP provided comments on May 26, 2022. PPG resubmitted the RIRA/RAWP on October 14, 2022. NJDEP provided comments on February 24, 2023. PPG conducted additional groundwater sampling in April 2023 and will be conducting additional groundwater sampling in August 2023 and October 2023. The nature of any future submittal(s) is dependent upon a review of the additional groundwater sample results.
		June 2024		June 2024	
457 Communipaw	(see non-GAG Soils table)	December 2023	TBD	TBD	PPG has completed two rounds of groundwater sampling. An additional round of sampling will be conducted in August 2023. Assuming all results are less than the GWQS, PPG anticipates submitting an RIR in December 2023.

## **Notes To Master Schedule for the NJ PPG Chrome Remediation Sites**

### **Revision Date: July 31, 2023**

#### **GENERAL NOTES:**

1) Defined Terms:

“JCO” means the Partial Consent Judgment Concerning the PPG Sites entered in the matter captioned *New Jersey Department of Environmental Protection, et al. v. Honeywell International, Inc., et al. v. City of Jersey City, et al., Superior Court of New Jersey, Chancery Division, Hudson County, Civil Action No. HUD-C-77-05.*

“JCO Stakeholders,” for the purpose of this Master Schedule, means PPG, the City of Jersey City, NJDEP and the Site Administrator (Ronald J. Riccio).

“Consent Judgment Compliance Letter” means a letter issued by the Department pursuant to the 2011 Consent Judgment. The Consent Judgment Compliance Letter is the Department’s equivalent of a No Further Action letter that is issued after all appropriate remediation documents have been finalized, an RAR Determination has been made, and after the issuance by the Department of any required remedial action permits with respect to the applicable media and areas of concern.

“2011 Consent Judgment” means the Consent Judgment in the matter captioned New Jersey Department of Environmental Protection, et al. v. Honeywell International Inc., et al., Docket No C-77-05, Superior Court of New Jersey, Chancery Division, Hudson County (filed September 7, 2011).

“LSRP” means Licensed Site Remediation Professional.

“Principals” means, collectively, PPG, NJDEP, the City of Jersey City and the Site Administrator.

- 2) PPG, NJDEP and the City of Jersey City entered into (and the Site Administrator acknowledged and accepted) that certain Memorandum of Understanding dated as of September 22, 2020 establishing detailed procedures for the removal of PPG sites, portions of sites or media from jurisdiction pursuant to the JCO and the 2011 Consent Judgment and, in certain instances, transitioning same to the LSRP Program (the “MOU”). On October 22, 2020, the Superior Court of New Jersey entered the First Consent Order Transitioning Certain PPG Sites, Portions of Sites or Media to the LSRP Program (the “First Consent Order”). The First Consent Order included an Exhibit A that identified the sites, portions of sites or media that were being removed from jurisdiction pursuant to the JCO and the 2011 Consent Judgment and, in certain instances, transitioned to the LSRP Program.

#### **SOILS NOTES:**

- 1) Green shading indicates that milestones have been attained.
- 2) “Excavation Start” means access has been gained, building demolition and shoring installation, if required, have been completed, there are no known impediments to proceeding with excavation and excavation has actually commenced.
- 3) For Garfield Avenue Group Sites, “Backfill Complete” means backfill is brought to elevations approved by NJDEP.
- 4) For the purpose of this Master Schedule, “restoration” is defined as final remediation grading in accordance with an NJDEP-approved Restoration Technical Execution Plan or other NJDEP-approved document identifying restoration requirements, and a capillary break has been installed if required. In-kind replacement of existing infrastructure (i.e., pavement and utilities) is covered under the PPG/Jersey City Infrastructure Settlement Agreement, which has been agreed to by all Parties.

- 5) Restoration within specific areas under/around infrastructure necessary to support on-going remediation may be delayed if such a delay is acceptable to NJDEP and property owners.
- 6) For the purpose of this Master Schedule, “RAR Determination” means that the Department has determined whether the Remedial Action Report (“RAR”) meets the requirements of applicable Department regulations and guidance. The Department will make this determination assuming: (i) the RAR Figures/Tables have been submitted by PPG and reviewed/approved by the Department prior to complete RAR submittal, and (ii) the initial submittal of the complete RAR (i.e., text plus figures, tables and other Department-required information) is received 26 weeks prior to the RAR Determination milestone. (The referenced 26 week time period assumes 12 weeks for the Department/Weston and the City of Jersey City to provide comments to the initial complete RAR submittal, 7 weeks thereafter for PPG to review and incorporate such comments and submit the final version of the full RAR, and 7 weeks thereafter for the Department to make the RAR Determination).
- 7) This version of the Master Schedule has combined “Exhibit 2” and “Exhibit 3” from the version of the Master Schedule dated October 13, 2015. The term Exhibits 2/3 is used here because prior orders entered by the court in NJDEP, et al. v. Honeywell International, Inc., et al. reference those exhibits as exhibits to the Master Schedule, which Master Schedule remains in effect as modified by these changes to Exhibits 2 and 3.
- 8) PSE&G will take the lead on manufactured gas plant (“MGP”) AOCs located within and emanating from Site 114 under the LSRP program. See letter from PPG and PSE&G to Wayne Howitz, NJDEP, dated July 9, 2019 confirming same.

**GROUNDWATER NOTES:**

- 1) For purposes of this schedule, the Garfield Avenue Group Access date is assumed to be March 2017.
- 2) “N/A” means not applicable.

**Attachment 1 to Master Schedule for the NJ PPG Chrome Remediation Sites**

**Revision Date: July 31, 2023**

**List of Sites Released from JCO/Transitioned to LSRP Program<sup>1</sup>**

Group/Phase or Site	Property Description (Owner)	Date of Issuance of Consent Judgment Compliance Letter	Comments
GA Group IRM #1 and Phases 1A, 1B, 1C, 2A, 2B-1, 2B-2, 2B-3, and 2B-4	Site 114 (JCRA/ Hampshire)	6/1/2020	An RAR Approval Letter was issued by the New Jersey Department of Environmental Protection (“NJDEP”) on December 5, 2019 and a Consent Judgment Compliance Letter (as defined in the General Notes attached to this Master Schedule) (Restricted Use - Soil) was issued on June 1, 2020 for chromate chemical production waste (“CCPW”), CCPW-related metals, historic fill, former underground storage tanks, and other historic operations Areas of Concern (“AOCs”) (114-1A, 114-3, 114-4A, 114-4B, and 114-5) at Site 114. As part of the approved remedy for Site 114 soils, deed notices were recorded in December 2019 with respect to all parcels constituting Site 114 and soil remedial action permits were issued on February 7, 2020. All of the referenced approvals exclude: (i) Soil AOC 114-1B (CCPW-impacted soils in portions of Grids A5B, A6B, A7B, and B7B within the Western Sliver), and (ii) manufactured gas plant (“MGP”) related contaminants, which are being managed by PSE&G under NJDEP’s Licensed Site Remediation Professional program. See Soil Note 8 attached to this Master Schedule regarding MGP contamination. Restoration was deemed complete for all of Site 114, except for the soil IRM #1 area where active groundwater remediation is being performed. Restoration of the soil IRM #1 area is on hold pending the referenced groundwater remediation activities.
GA Group Phase 3A	Site 132 (824 Garfield) (JCRA)	11/1/2019	An RAR Approval Letter was issued by NJDEP on June 27, 2019 and a Consent Judgment Compliance Letter (Unrestricted Use - Soil - for CCPW and CCPW-related metals) was issued on November 1, 2019 for AOC 132-1.
	Site 143 (846 Garfield) (PPG)	6/26/2020	An RAR Approval Letter was issued by NJDEP on September 30, 2019 and a Consent Judgment Compliance Letter (Unrestricted Use – Soil - for CCPW and CCPW-related metals) was issued on June 26, 2020 for AOC 143-1.

<sup>1</sup> Pursuant to the MOU described in General Note 4 to this Master Schedule, the media, contaminants and AOCs referenced in the Consent Judgment Compliance Letters listed in this Attachment 1 were removed from jurisdiction pursuant to the JCO and the 2011 Consent Judgment and, in those situations involving Remedial Action Permits, were transitioned to the LSRP Program to implement the requirements of the Remedial Action Permits.

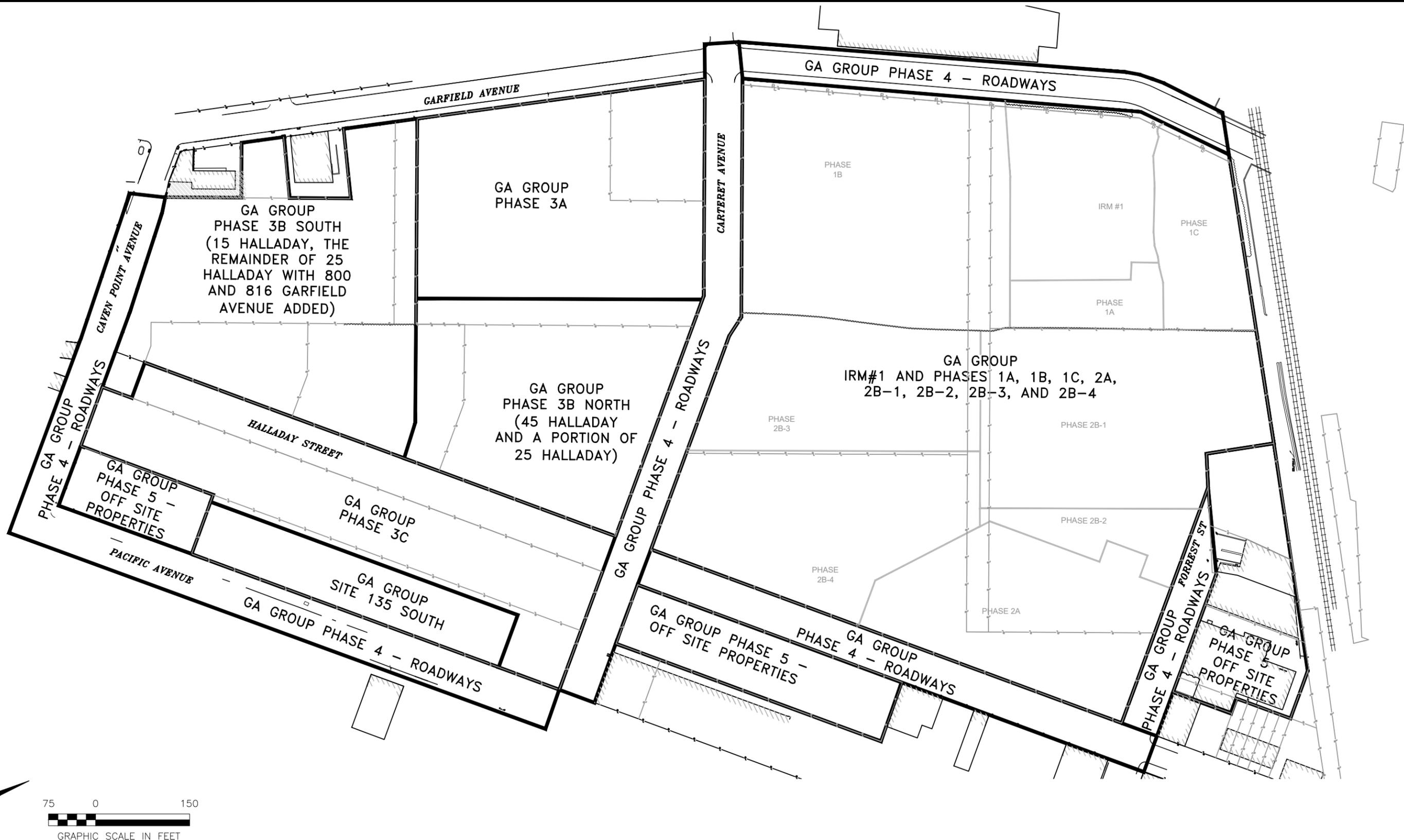
Group/Phase or Site	Property Description (Owner)	Date of Issuance of Consent Judgment Compliance Letter	Comments
GA Group Phase 3B North (45 Halladay and a portion of 25 Halladay)	Site 137 North (PPG)	6/26/2020	An RAR Approval Letter was issued by NJDEP on September 30, 2019 and a Consent Judgment Compliance Letter (Unrestricted Use – Soil - for CCPW and CCPW-related metals) was issued on June 26, 2020 for AOC 137-1A. See Soil Note 8 regarding MGP contamination. The referenced approvals exclude MGP-related AOCs (AOC 137-2A).
GA Group Phase 3B South (15 Halladay, the remainder of 25 Halladay with 800 and 816 Garfield Avenue added)	Site 133 West (PPG) and Site 137 South (PPG)		An RAR Approval letter was issued by NJDEP on July 6, 2023 and a Consent Judgment Compliance Letter (Unrestricted Use – Soil - for CCPW and CCPW-related metals) was issued on July 26, 2023 for Phase 3B South and Portions of Site 133 East and Halladay Street South (AOC P3B-1A, AOC 133E-1B, AOC HSS-1B, and AOC 137-1B). See Soil Note 8 regarding MGP contamination. The referenced approvals exclude MGP-related AOCs.
	Fishbein (816 Garfield Avenue) (PPG)		
	Ten West Apparel (800 Garfield Avenue) (PPG)		
GA Group Phase 3C	Halladay Street South (AOC HSS-1B) (Jersey City)		
	Site 133 East (22-68 Halladay) (AOC 133E-1B) (PPG)		
GA Group Phase 3C	Halladay Street South (AOC HSS-1A) (Jersey City)	6/30/2020	An RAR Approval letter was issued by NJDEP on November 15, 2019 and a Consent Judgment Compliance Letter (Unrestricted Use – Soil - for CCPW and CCPW-related metals) was issued on June 30, 2020 for AOC HSS-1A. See Soil Note 8 regarding MGP contamination. The referenced approvals exclude MGP-related AOCs.
	Site 133 East (22-68 Halladay) (AOC 133E-1A) (PPG)	3/24/2020	An RAR Approval letter for Site 133 East AOC 133E-1A was issued by NJDEP on October 11, 2019 and a Consent Judgment Compliance Letter (Unrestricted Use – Soil - for CCPW and CCPW-related metals) was issued on March 24, 2020 for AOC 133E-1A. See Soil Note 8 regarding MGP contamination. The referenced approvals exclude MGP-related AOCs (AOC 133E-2A).

Group/Phase or Site	Property Description (Owner)	Date of Issuance of Consent Judgment Compliance Letter	Comments
	Site 135 North (Portion of 51-99 Pacific) (PPG)	1/15/2021	An RAR Approval Letter was issued by NJDEP for Site 135 AOC 135-1 on October 11, 2019. Antimony (a CCPW-related metal) associated with re-used fill materials remains at concentrations greater than the Residential Direct Contact Soil Remediation Standards and will be addressed by an engineering control (Clean Fill Soil Cap) and institutional control (deed notice). As part of the approved remedy for soils at this Site, a deed notice was recorded in June 2020 and a soil remedial action permit was issued on November 13, 2020. A Consent Judgment Compliance Letter (Restricted Use - Soil) was issued on January 15, 2021 for CCPW and CCPW-related metals for AOC-1 covering Site 135 North and Site 135 South.
GA Group Site 135 South	Site 135 South (Remainder of 51-99 Pacific) (PPG)	1/15/2021	An RAR Approval Letter was issued by NJDEP for Site 135 AOC 135-1 on October 11, 2019. Antimony (a CCPW-related metal) associated with re-used fill materials remains at concentrations greater than the Residential Direct Contact Soil Remediation Standards and will be addressed by an engineering control (Clean Fill Soil Cap) and institutional control (deed notice). As part of the approved remedy for soils at this Site, a deed notice was recorded in June 2020 and a soil remedial action permit was issued on November 13, 2020. A Consent Judgment Compliance Letter (Restricted Use - Soil) was issued on January 15, 2021 for CCPW and CCPW-related metals for AOC-1 covering Site 135 North and Site 135 South.
GA Group Phase 5 Off Site Properties	Al Smith Moving (33 Pacific Avenue) (GND Pacific Holdings LLC)	10/11/2019	An RAR Approval letter was issued by NJDEP on May 28, 2019 and a Consent Judgment Compliance Letter (Unrestricted Use – Soil - for CCPW and CCPW-related metals) was issued on October 11, 2019 for AOC ASM-1.
	Forrest Street Properties 108 Forrest St (Halladay Forest LLC)	6/23/2022	An RAR Conditional Approval was issued by NJDEP on November 15, 2019 and a Consent Judgment Compliance Letter (Restricted Use) was issued by NJDEP on June 23, 2022 for CCPW and CCPW-Related Metals Only in Soil within a portion of the Forrest Street Properties, formerly known as the Skyways property, AOC FSP-1A and AOC FSP-1B.
	Halsted Corporation (78 Halladay St.) (PPG)	3/7/2023	An RAR Approval was issued by NJDEP on February 1, 2023 and a Consent Judgment Compliance Letter (Unrestricted Use) was issued by NJDEP on March 7, 2023 for CCPW and CCPW-Related Metals Only in Soil within a Portion of the Former Halsted Corporation Property (AOC HSD-1A). (An RAR Approval was issued by NJDEP on December 29, 2021 and a Consent Judgment Compliance Letter (Unrestricted Use) was issued by NJDEP on June 23, 2022 for CCPW and CCPW-Related Metals Only in Soil for a portion of the former Halsted Corporation Property - AOC HSD-1B.)
GA Group Phase 4 Roadways	Halladay Street North (Jersey City)	6/23/2022	An RAR Approval was issued by NJDEP on December 29, 2021 and a Consent Judgment Compliance Letter (Unrestricted Use) was issued by NJDEP on June 23, 2022 for CCPW and CCPW-Related Metals Only in Soil within Halladay Street North and a portion of the former Halsted Corporation Property, AOC HSN-1A and AOC HSD-1B.

Group/Phase or Site	Property Description (Owner)	Date of Issuance of Consent Judgment Compliance Letter	Comments
	Forrest Street (Jersey City)	6/23/2022	An RAR Approval/Consent Judgment Compliance Letter (Restricted Use) was issued by NJDEP on June 23, 2022 for CCPW and CCPW Related Metals Only in Soil, AOC FS-1A, AOC FS-1B and AOC FS-1C.
Site 63	Baldwin Oil (Nisan 12)	1/30/2018	An RAR Approval was issued by NJDEP on April 27, 2017 and a Consent Judgment Compliance Letter (Unrestricted Use – Soil – for CCPW and CCPW-related metals) was issued by NJDEP on January 30, 2018.
Site 65	Burma Road/Morris Pesin Drive (Jersey City)	4/6/2020	PPG, the City of Jersey City, JCMUA and NJDEP entered into a Settlement Agreement dated January 9, 2018 with respect to this site. Pursuant to the Settlement Agreement, the remedy for this site consists of institutional and engineering controls. An RAR Approval Letter was issued by NJDEP on May 31, 2019, a Soil Remedial Action Permit was issued on March 9, 2020 and a Consent Judgment Compliance Letter (Restricted Use for CCPW and CCPW-related metals in soil) was issued on April 6, 2020. Pursuant to the Settlement Agreement, impacted groundwater at Site 65 was deemed to have emanated from Site 63; no action vis-à-vis groundwater was required for Site 65. Therefore, the April 6, 2020 Consent Judgment Compliance Letter approved an Unrestricted Use remedy for CCPW and CCPW-related metals in groundwater.
Site 156 (AOC-1 and AOC-2)	Metro Towers (ALMA)	6/28/2019	An RAR Approval was issued by NJDEP on October 12, 2018 and a Consent Judgment Compliance Letter was issued on June 28, 2019 (Unrestricted Use) for: (1) Area of Concern 1 for CCPW and CCPW Related Metals Only in Soil Beyond AOC 3 Footprint, and (2) Area of Concern 2 for CCPW and CCPW-Related Metals Only in Groundwater.
Site 156 (AOC-3)	Metro Towers (ALMA)	6/30/2022	An RAR Approval was issued by NJDEP on October 30, 2020 and a Consent Judgment Compliance Letter (Restricted Use – Soil) was issued by NJDEP on June 30, 2022 for CPW and CCPW-Related Metals in Building No. 2 Boiler Room Sub-slab Soil and Interior Concrete Surfaces (AOC 3).
Site 186	Garfield Avenue #1	7/14/2015	An RAR Approval letter was issued by NJDEP on April 16, 2014 and a Consent Judgment Compliance Letter (Unrestricted Use - Soil; Entire Site) for CCPW and CCPW-related metals in soil was issued July 15, 2015.
Site 16 (AOC-1)	45 Linden Ave. East (Etzion)	3/3/2021	An RAR Approval letter was issued by NJDEP on August 13, 2020 and a Consent Judgment Compliance Letter (Unrestricted Use) for CCPW and CCPW-related metals in exterior soils only (AOC-1) was issued on March 3, 2021.
Site 107 (AOC-1A)	18 Chapel Avenue (Ancam, LLC)	1/10/2022	An RAR Approval was issued by NJDEP on October 28, 2021 and a Consent Judgment Compliance Letter (Unrestricted Use – Soil – for CCPW and CCPW-related metals) was issued by NJDEP on January 10, 2022 for AOC-1A: Majority Site Area Soil.

<b>Group/Phase or Site</b>	<b>Property Description (Owner)</b>	<b>Date of Issuance of Consent Judgment Compliance Letter</b>	<b>Comments</b>
Site 107 (AOC-1B)	18 Chapel Avenue (Ancam, LLC)	3/25/2022	An RAR Approval was issued by NJDEP on December 29, 2021 and a Consent Judgment Compliance Letter (Unrestricted Use – Soil – for CCPW and CCPW-related metals) was issued by NJDEP on March 5, 2022, 2022 for AOC-1B: Material Staging Area Soil..

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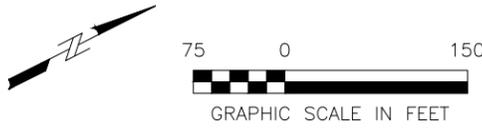
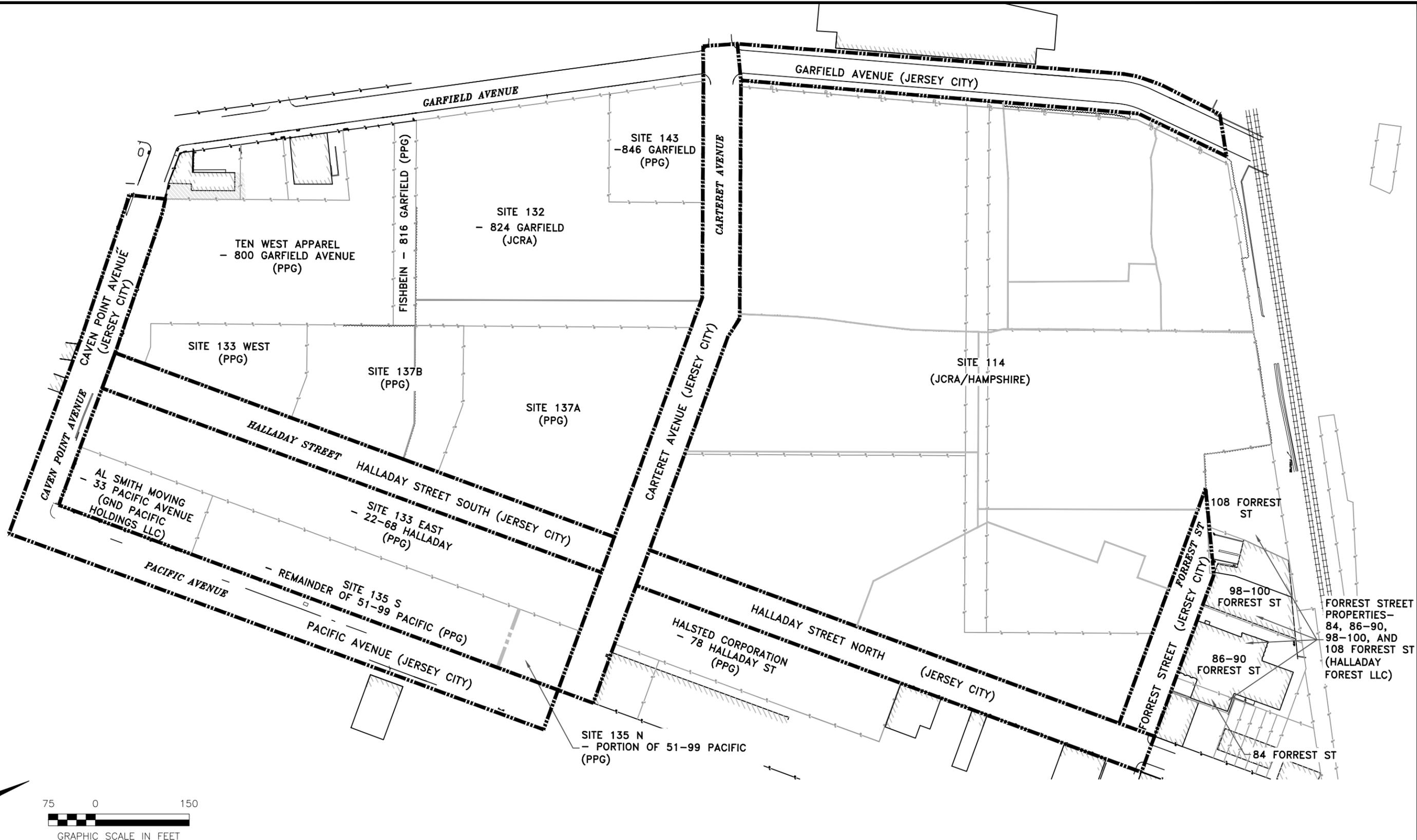


NOTES:

- FOR OFF SITE PROPERTIES AND ROADWAYS, PROPERTY LINES ARE ESTIMATED BASED ON TAX MAPS. LIMITS ARE INTENDED TO EXTEND TO ACTUAL PROPERTY LINES, TO BE CONFIRMED BY PROFESSIONAL SURVEY PRIOR TO START OF WORK.



PPG GARFIELD AVENUE GROUP JERSEY CITY, NEW JERSEY		<b>GROUP/PHASE OR SITE          PLAN</b>
DATE: 07/25/2022	DRWN: JAG	<b>FIGURE 1</b>



**LEGEND**  
 SITE DESCRIPTION  
 - ADDRESS  
 (OWNER)

**NOTES:**  
 1. FOR OFF SITE PROPERTIES AND ROADWAYS, PROPERTY LINES ARE ESTIMATED BASED ON TAX MAPS. LIMITS ARE INTENDED TO EXTEND TO ACTUAL PROPERTY LINES, TO BE CONFIRMED BY PROFESSIONAL SURVEY PRIOR TO START OF WORK.



PPG GARFIELD AVENUE GROUP JERSEY CITY, NEW JERSEY		<b>PROPERTY DESCRIPTION (OWNER)                  PLAN</b>
DATE: 07/25/2022	DRWN: JAG	<b>FIGURE 2</b>

**EXHIBIT 2**

**LETTER FROM NJT/NRDC TO NJDEP COMMISSIONER**

**(ATTACHED)**



June 20, 2023

Commissioner Shawn M. LaTourette  
Mail Code 401-07  
401 East State Street  
PO Box 402  
Trenton, NJ 08625-0420

**Re: Remediation of PPG Industries' Chromium Waste Sites in Jersey City**

Dear Commissioner LaTourette:

On behalf of New Jersey Together and the Natural Resources Defense Council (NRDC), we write to request a meeting to discuss the ongoing cleanup by PPG Industries of the chromium-contaminated sites in the area of PPG's former chromate chemical manufacturing plant in Jersey City ("the Garfield Avenue site"). NJ Together is the successor organization to the Interfaith Community Organization (ICO), which began the fight to remove hexavalent chromium (Cr6) wastes from Jersey City in 1989. Cr6 is a potent carcinogen.

In 2011, our organizations sued PPG in federal court to ensure that it was forced to eliminate the ongoing danger its hexavalent chromium pollution presents by cleaning it up from the Garfield Avenue site, once and for all. That lawsuit—*Interfaith Community Organization v. PPG Industries*—was successful. Since 2012, PPG has been working to clean up the soil and groundwater at the site to court-ordered standards that lawsuit set—standards that were selected to protect human health. While soil remediation is now nearly complete, groundwater at the site remains extraordinarily contaminated, with samples showing Cr6 levels as high as 100,000 parts per billion. For reference, the *ICO v. PPG* consent decree requires that PPG reduce the groundwater contamination to no more than *seventy* parts per billion at the perimeter of the site and no more than 1,000 parts per billion at any location within the boundary of the site. Recent reports from PPG indicate that chromium-contaminated water came to the surface of the site as recently as December 2022.

We are deeply concerned about the lack of progress in meeting these groundwater standards, and the resulting potential for future risks to human health and the environment. We would like to work with DEP to: 1) Ensure that PPG's remediation meets the terms of our federal consent decree and DEP's health and environmental standards, and 2) Ensure that any future development that takes place on the site will not disturb the remediation measures installed by PPG or compound the risk of human exposure to Cr6. Attached is a list of our current questions and concerns in both of these areas. We will be consulting with independent technical experts to help us address these concerns, and would appreciate being able to both share our findings with DEP and to hear DEP's perspectives on these questions.

Commissioner, please let us know when you – or a key staff member designated by you – would be available to meet and discuss these concerns, either in person or online. Please contact Joe Morris at [joemorris03@gmail.com](mailto:joemorris03@gmail.com) or 201-705-7988 to find a time to discuss.

We see no reason why the PPG cleanup of Garfield Avenue should be any less protective of human health and the environment than the Honeywell cleanup of similar sites in Jersey City, two miles to the west. New Jersey Together and NRDC look forward to working with you to successfully complete this long-overdue remediation so that the Garfield Avenue sites can be safely used by future generations of Jersey City residents.

Sincerely,

*For New Jersey Together*

Rev. Dr. Willard Ashley  
Abundant Joy Community Church  
Jersey City

Rev. Dr. Alonzo Perry, Sr.  
New Hope Baptist Church  
Jersey City

*For the Natural Resources Defense Council*

Lauren P. Phillips  
Attorney  
[LPhillips@nrdc.org](mailto:LPhillips@nrdc.org)

cc: Mayor Steven Fulop  
Ronald J. Riccio  
Chris Fiore  
Barkha Patel  
Ian Curtis  
Richard Engel  
Catherine Klinger  
Carolyn Cannella



## ***WOULD WE LIVE THERE?***

### **NJ TOGETHER AND NRDC QUESTIONS AND CONCERNS ABOUT THE UNFINISHED CLEANUP OF PPG INDUSTRIES' GARFIELD AVENUE CHROMIUM SITES**

New Jersey Together is continuing the fight started in 1989 by its predecessor, the Interfaith Community Organization, to rid Jersey City of the toxic legacy of hundreds of hexavalent chromium (Cr6) dump sites created decades ago by two chemical manufacturers. In partnership with the Natural Resources Defense Council (NRDC) and others, we want to ensure that the former PPG Industries chromium sites on Garfield Avenue are fully and permanently remediated, and that future residents and users of the sites can be certain that there is no ongoing threat to their health and the health of their families.

**Over the next few months, NJ Together and NRDC will be engaging independent experts and reviewing all available data to address the following questions and concerns. No decisions on redevelopment of the Garfield Avenue sites should be made until these questions are resolved.**

1. What work remains to be done before PPG Industries is in full compliance with the federal consent decree reached between the plaintiffs (ICO, NRDC and GRACO) and PPG Industries in 2011? We will not stop working until this hard-fought legal agreement is fully implemented.
  - a. Soil remediation: When and how will chromium-contaminated soil be removed from sites deemed "inaccessible" by PPG? In the meantime, how will adjacent sites be protected from discharge of contaminated groundwater from these still-contaminated areas?
  - b. Groundwater remediation: We are very concerned that the levels of hexavalent chromium in the intermediate and deep groundwater on the site remain extremely high, despite years of chemical treatment through on-site injection wells, and that contaminated groundwater has repeatedly come to the surface during PPG's groundwater treatment. What are the implications of these setbacks for PPG's ability to remediate groundwater to the standard of 1,000 parts per billion of Cr6 required in the consent decree, and 70 parts per billion at the site's perimeter? If PPG's groundwater remediation strategy has not achieved the expected results, are there alternative strategies that should be considered? What lessons can be learned from more than a decade of groundwater remediation carried out by Honeywell on

similar contaminated sites on Route 440? Can we be certain that PPG will effectively monitor groundwater levels for as long as it takes to achieve the protective standard? What measures are being employed to monitor and control the plume of contaminated groundwater and ensure that it doesn't migrate off-site?

2. Since full groundwater remediation may take decades, what ongoing protections and restrictions are needed to ensure that contaminated groundwater doesn't reach the surface, recontaminate soils, migrate off-site, or come into contact with buildings or infrastructure?
  - a. Will the capillary breaks (e.g., plastic liners) installed to prevent upwelling of contaminated groundwater be fully effective? How quickly will they degrade? How and by whom will their condition be monitored?
  - b. What restrictions must be placed on site usage and development to ensure that the capillary breaks and other aspects of the remediation remain fully functional for as long as chromium contamination persists in the groundwater? Is it necessary to prohibit the driving of piles or other actions that would penetrate or disturb the capillary breaks? Is it necessary to restrict the mass of buildings on-site in order to limit compression of the soils? How and by whom will these restrictions be enforced?
  - c. What protocols will be in place to ensure ongoing monitoring of groundwater on site and at the site boundaries, and to notify property owners and interested parties of monitoring results?
  - d. What financial assurances will PPG make (e.g., placing funds in escrow) to ensure that remediation and monitoring will continue until the site is fully and permanently remediated?

New Jersey Together wants the Garfield Avenue chromium sites to be redeveloped in a way that serves the community that was plagued by PPG's toxic legacy for so many decades – but only if residents and workers in the area can be certain that their health is not at risk. We ask all involved parties to help the people of Jersey City get answers to these questions and concerns. We will publicly share what we learn.

**EXHIBIT 3**

**CONSENT DECREE**

**(Interfaith Community Organization, et als. v. PPG)**

**(ATTACHED)**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

<p>INTERFAITH COMMUNITY ORGANIZATION, INC., GRACO COMMUNITY ORGANIZATION, A NEW JERSEY NONPROFIT CORPORATION and NATURAL RESOURCES DEFENSE COUNCIL, INC.</p> <p>Plaintiffs,</p> <p>vs.</p> <p>PPG INDUSTRIES, INC.,</p> <p>Defendant.</p>	<p>Civil Action No. 09-480(JLL)(CCC)</p>
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**CONSENT DECREE**

WHEREAS, beginning in the mid-1920s, a chrome production facility was operated at 880-900 Garfield Avenue, Jersey City, Hudson County, New Jersey (a.k.a., Hudson County Chrome Site no. 114) (“Garfield Avenue Site”) and generated chromate chemical production waste (“CCPW”) as a by-product of production;

WHEREAS, defendant PPG Industries, Inc. (“PPG”), acquired the facility in August 1954, operated it through September 1963, and transferred the Garfield Avenue Site to Cliff Associates in 1964;

WHEREAS, on May 9, 2005, the New Jersey Department of Environmental Protection (“NJDEP”) filed suit in state court against PPG (among others) (“State Court Litigation”), seeking remediation of the Garfield Avenue Site and certain other sites allegedly containing chromate chemical production waste;

WHEREAS, PPG and NJDEP entered into a judicially enforceable consent judgment in the State Court Litigation, pursuant to which PPG is currently remediating the Garfield Avenue Site and certain other sites;

WHEREAS, plaintiffs Interfaith Community Organization, Inc., GRACO Community Organization, a New Jersey Nonprofit Corporation, and Natural Resources Defense Council, Inc. (collectively "Plaintiffs"), are two local citizens' groups and one national environmental organization, respectively, who Plaintiffs contend have members alleged to be harmed by exposure to CCPW generated at the chromate chemical production plant formerly located at the Garfield Avenue Site;

WHEREAS, Plaintiffs filed a First Amended Complaint in the above captioned matter alleging that CCPW originating from the Garfield Avenue Site may present an imminent and substantial endangerment to health and the environment and seeking declaratory relief, injunctive relief and penalties pursuant to section 7002(a)(1)(B) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6972(a)(1)(B);

WHEREAS, PPG's Answer denied, among other things, Plaintiffs' allegations in the First Amended Complaint that an imminent and substantial endangerment to health and the environment may exist;

WHEREAS, Plaintiffs have submitted copies of the First Amended Complaint to the United States Environmental Protection Agency Administrator and the Attorney General in conformance with the requirement of the citizen suit provision of RCRA, 42 U.S.C. § 6972(b)(2)(F);

WHEREAS, Plaintiffs and PPG (collectively "Parties") agree and the Court finds that this Consent Decree ("Consent Decree") has been negotiated by the Parties in good faith; that the

implementation of this Consent Decree will avoid prolonged and complicated litigation among the Parties; that with the exception of Plaintiffs' request for attorneys' fees and costs and with the exception of the sites that were already dismissed without prejudice, this Consent Decree represents a complete settlement of all allegations made and claims that were or could have been asserted in the First Amended Complaint based on the alleged facts; and that this Consent Decree is fair, reasonable, and in the public interest; and,

WHEREAS the Parties, without the necessity of trial or adjudication of any issues of fact or law, consent to entry of this Consent Decree.

#### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over the Parties and the subject matter of this Consent Decree pursuant to section 7002(a)(1)(B) of RCRA, 42 U.S.C. § 6972(a)(1)(B), and 28 U.S.C. § 1331.

2. Venue in the U.S. District Court for the District of New Jersey is proper pursuant to 42 U.S.C. § 6972(a) and 28 U.S.C. § 1391(b).

3. Solely for the purpose of this Consent Decree, the Parties waive all objections and defenses that they may have to jurisdiction of the Court, to venue in this District, and to Plaintiffs' standing, and shall not challenge this Court's jurisdiction to enter and enforce this Consent Decree.

#### **DEFINITIONS**

4. Whenever the terms listed below or defined above are used in this Consent Decree, the definitions shall apply.

a. "Accessible Soil" shall mean all Soils in the Potentially Impacted Area except Inaccessible Soil.

b. “Accessible Source Material” and “ASM” shall mean any Source Material except Inaccessible Source Material.

c. “Attorneys’ Fees and Costs” shall mean the Plaintiffs’ reasonable attorneys’ fees, expert witness fees, and costs incurred in prosecuting this action and sought by Plaintiffs pursuant to 42 U.S.C. § 6972(e).

d. “Chromate chemical production waste” or “CCPW” or “Source Material” shall mean all by-products or wastes generated at the chromate chemical production plant formerly located at the Garfield Avenue Site, including, but not limited to, chromium ore processing residue, green-gray mud, and fill or any other solid material mixed with chromium ore processing residue and/or green-gray mud.

e. “Chromium Groundwater Remediation Requirements” shall be an average of (1) seventy parts per billion hexavalent chromium (“Cr6”) at the perimeter of the Groundwater Site (with averaging (a) limited to no more than 4 wells and to no more than a 600-foot radius from any sampling point, and (b) not allowed between wells on the northern and southern, or eastern and western boundaries); and (2) one part per million Cr6 at any location inside the boundary of the Groundwater Site, with all averaging consistent with the New Jersey Technical Requirements for Site Remediation, Title 7, Chapter 26E of the New Jersey Administrative Code. Notwithstanding this definition, at some undetermined time after the termination of this Consent Decree, the Parties anticipate that due to natural attenuation the groundwater on the Site shall meet seventy parts per billion Cr6.

f. “Chromium Soil Remediation Treatment Standards” shall be an average of (1) five parts per million (“ppm”) Cr6 for Soil located in the area extending from the pre-

excavation ground surface to a depth of five feet; and (2) ten ppm Cr6 for Soil more than five feet below the pre-excavation ground surface.

g. "Delineated Area" shall mean the following border: Garfield Avenue on the northwest between the southwest corner of the Town and Country Linen Site No. 132 and the light rail line, the northeast border of the Garfield Avenue Site No. 114 on the north and northeast, Halladay Street on the east and southeast between Forrest Street and Carteret Avenue, Carteret Avenue on the northeast between Halladay Street and Pacific Avenue, Pacific Avenue on the southeast until Caven Point Road, Caven Point Road and the southeast border of Ross Wax Site No. 133 on the southeast, Ross Wax Site No. 133 and the Rudolph Bass/TSI Site No. 137 on the west until the southeast corner of Town and Country Linen Site No. 132, and the Town and Country Linen Site No. 132 on the southwest, as depicted in Exhibit 1 to this Consent Decree.

h. "Entry" shall mean the date on which the Consent Decree is approved by this Court.

i. "Excavation Area" shall mean the area so labeled in Exhibit 1 to this Consent Decree, except for areas where there is no Source Material or where Inaccessible Source Material is located.

j. "GRACO" shall mean GRACO Community Organization, A New Jersey Nonprofit Corporation, and its agents, successors, assigns, and all persons acting on their behalf.

k. "Groundwater Site" shall mean the area inside the following borders: Garfield Avenue on the northwest between Caven Point Road and the light rail, the northeast border of the Garfield Avenue Site No. 114 on the northeast, Halladay Street on

the east and southeast until Carteret Avenue, Carteret Avenue on the northeast between Halladay Street and Pacific Avenue, Pacific Avenue on the southeast until Caven Point Road, Caven Point Road on the southeast until Garfield Avenue, as depicted in Exhibit 1 to this Consent Decree.

l. “Horizontal Delineation Area No. 1” shall mean the area south of the Town and Country Linen Site No. 132 to Caven Point Road, west and northwest of the Ross Wax Site No. 133 and Rudolph Bass/TSI Site No. 137, and east of Garfield Avenue, where soil is present and where improvements, such as streets and buildings, are not present, that are depicted in Exhibit 1 to this Consent Decree.

m. “Horizontal Delineation Area No. 2” shall mean the following areas where soil is present and where improvements, such as streets and buildings, are not present, that are depicted in Exhibit 1 to this Consent Decree: (1) the two areas divided by Halladay Street northeast of the Garfield Avenue Site No. 114 and Forrest Street, southwest of the light rail that are both within 400 feet of the Garfield Avenue Site No. 114 and within 400 feet of residential real property; (2) the two areas southeast of Garfield Avenue and southwest of Caven Point Road that are both within 400 feet of the Ross Wax Site No. 133 and within 400 feet of residential real property; and (3) the area northwest of Garfield Avenue, east of Randolph that are both within 400 feet of the Ross Wax Site No. 133 and within 400 feet of residential real property.

n. “ICO” shall mean Interfaith Community Organization, Inc., and its agents, successors, assigns, and all persons acting on their behalf.

o. “Inaccessible Material” shall mean Inaccessible Source Material and Inaccessible Soil.

p. "Inaccessible Soil" shall mean Soil located in the Potentially Impacted Area where its removal may damage or otherwise compromise nearby properties, structures, and/or surface or subsurface infrastructure and includes (a) under and within approximately 10 feet of Garfield Avenue; (b) under and within approximately 50 feet of the light rail tracks; (c) under and within approximately 10 feet of Carteret Street; (d) under and within approximately 10 feet of Halladay Street; and (e) under and within approximately 10 feet of Valley Road.

q. "Inaccessible Source Material" shall mean Source Material located in the Potentially Impacted Area or Excavation Area where its removal may damage or otherwise compromise nearby properties, structures, and/or surface or subsurface infrastructure and includes (a) under and within approximately 10 feet of Garfield Avenue; (b) under and within approximately 50 feet of the light rail tracks; (c) under and within approximately 10 feet of Carteret Street; (d) under and within approximately 10 feet of Halladay Street; and (e) under and within approximately 10 feet of Valley Road.

r. "Meadow Mat" shall mean the naturally occurring organic estuarine deposits located approximately fifteen (15) feet below ground surface, pre-excavation.

s. "NRDC" shall mean the Natural Resources Defense Council, Inc., and its agents, successors, assigns, and all persons acting on their behalf.

t. "Parties" shall mean ICO, GRACO, NRDC, and PPG, collectively.

u. "Party" shall mean ICO, GRACO, NRDC, or PPG, individually.

v. "Plaintiffs" shall mean the three plaintiffs in this lawsuit: ICO, GRACO, and NRDC.

w. “Potentially Impacted Area” shall mean inside the Delineated Area, Horizontal Delineation Area No. 1, Horizontal Delineation Area No. 2, and any residences that are investigated and/or remediated pursuant to paragraph 61 of the State Court Consent Judgment, as provided in paragraph 9 of this Consent Decree.

x. “PPG” shall mean PPG Industries, Inc., a corporation organized under the laws of the Commonwealth of Pennsylvania and whose principal place of business is located at One PPG Place, Pittsburgh, Pennsylvania, its affiliates, subsidiaries, predecessors, successors, assigns, partners, and all persons acting on their behalf.

y. “Remedial Work” shall mean the work and activities set forth in the Remedial Work section of this Consent Decree.

z. “Restraint by a State or Federal Agency” shall mean a directive, action, or inaction by a state or federal agency that delays or restricts the Remedial Work.

aa. “Soil” shall mean all solid material (other than Source Material) contaminated with Cr6 from CCPW. For example, Soil includes, but is not limited to, soil or fill that is contaminated with Cr6 from CCPW through groundwater transport.

bb. “State Court Consent Judgment” shall mean the Partial Consent Judgment Concerning the PPG Sites between PPG, NJDEP, the Administrator of the New Jersey Spill Compensation Fund, and the City of Jersey City filed June 26, 2009 in the Superior Court of New Jersey Law Division – Hudson County, Civil Action No.: HUD-C-77-05, and entered by Judge Thomas P. Olivieri.

cc. “Submittal” shall mean any document submitted by PPG for approval by NJDEP pursuant to the State Court Consent Judgment regarding the Remedial Work.

### **APPLICABILITY**

5. This Consent Decree shall apply to and is binding upon the Parties and all persons acting on their behalf.

6. PPG shall be responsible for ensuring that its contractors and subcontractors perform the work contemplated here in accordance with this Consent Decree.

### **REMEDIAL WORK**

7. Performance Standard. All Remedial Work performed by PPG must be consistent with Submittals approved by NJDEP, or as otherwise resulting from the Dispute Resolution process. All Remedial Work shall be performed in an environmentally sound manner, consistent with the provisions and intent of RCRA and other federal and state environmental laws.

8. Excavation Area. PPG will excavate all ASM in the Excavation Area and lawfully dispose of the ASM off-site. Where the Meadow Mat is present, all ASM above the Meadow Mat will be excavated unless such excavation would compromise the Meadow Mat, in which case PPG will remove as much of the Source Material as is reasonably practicable without compromising the Meadow Mat. Where the Meadow Mat is not present, excavation of ASM will continue vertically under those areas until all ASM is removed.

9. Delineated Area. The Parties agree that no further delineation is necessary inside or outside the Delineated Area to assess the impact of any potential chromium originating from the Garfield Avenue Site, except as provided in this Consent Decree. Inside the Delineated Area, in the areas where the Soil has previously been found to have greater than 20 ppm Cr6 from CCPW, PPG shall (1) either excavate accessible Soils or shall treat such Soils to meet the Chromium Soil Remediation Treatment Standard; and (2) contain Inaccessible Material in the Delineated Area and, where reasonably practicable, shall treat such Inaccessible Material to meet the Chromium Soil Remediation Treatment Standard.

10. Horizontal Delineation Area No. 1. In Horizontal Delineation Area No. 1, PPG shall take and analyze soil samples for Cr6 at 100-foot intervals. If a single test result indicates greater than 20 ppm Cr6 from CCPW or if the average of samples within 100 feet of each other is greater than 15 ppm Cr6 from CCPW, PPG shall (1) either (a) advance additional soil borings within the 100-foot radius to potentially decrease the size of the remedial area if it is demonstrated that the additional analytical results reduce the average concentration below 15 ppm Cr6 from CCPW, (b) excavate such material within 100 feet radially from the applicable sampling, or (c) treat such material to meet the Chromium Soil Remediation Treatment Standard; and (2) contain Inaccessible Material in Horizontal Delineation Area No. 1 and, where reasonably practicable, shall treat such Inaccessible Material to meet the Chromium Soil Remediation Treatment Standard.

11. Horizontal Delineation Area No. 2. In Horizontal Delineation Area No. 2, PPG shall take and analyze soil samples for Cr6 at 100-foot intervals. If a single test result indicates greater than 20 ppm Cr6 from CCPW or if the average of samples within 100 feet of each other is greater than 10 ppm Cr6 from CCPW, PPG shall (1) either (a) advance additional soil borings within the 100-foot radius to potentially decrease the size of the remedial area if it is demonstrated that the additional analytical results reduce the average concentration below 10 ppm Cr6 from CCPW, (b) excavate such material within 100 feet radially from the applicable sampling, or (c) treat such material to meet the Chromium Soil Remediation Treatment Standard; and (2) contain Inaccessible Material in Horizontal Delineation Area No. 2 and, where reasonably practicable, shall treat such Inaccessible Material to meet the Chromium Soil Remediation Treatment Standard.

12. Investigation and Remediation of Residential Properties. Section XX, paragraph 61 of the State Court Consent Judgment requires, among other things, that PPG “undertake the appropriate remedial measures, in the event there exists elevated levels of CCPW on the real property” of particular residents living near the Garfield Avenue Site. The Parties agree to construe the phrase “elevated levels of CCPW” in section XX, paragraph 61 of the State Court Consent Judgment to mean greater than an average of 10 ppm Cr6 from CCPW, with sampling and averaging consistent with good engineering practices. The Parties also agree to construe the phrase “appropriate remedial measures” in that paragraph to mean “Chromium Soil Remediation Treatment Standards” as defined herein.

13. Groundwater Remediation. PPG will treat groundwater at the Groundwater Site to achieve the Groundwater Remediation Requirement. PPG will continue monitoring and/or treating the groundwater at the Groundwater Site until the Groundwater Remediation Requirement has been met for one year.

14. Remedial Work Scheduling. PPG will undertake the Remedial Work in a timely manner consistent with the schedule contained in a Remedial Action Work Plan (“RAWP”), which, when finalized, will be attached as Exhibit 2 to this Consent Decree. An initial RAWP (a 20-30% complete design plan) will be submitted by June 30, 2011. A final draft RAWP (a 90+% design plan) will be submitted by March 31, 2012. The RAWPs will address the Remedial Work required by this Consent Decree. A schedule for the Remedial Work will be included in the final draft RAWP and, as necessary, in any subsequent RAWPs. The RAWPs may be amended from time to time; within 10 days after any such amendment, PPG will file the amended RAWP with the Court, which will become the new Exhibit 2. Without limitation, the initial RAWP, the final draft RAWP, and any amended RAWPs (including the schedules

contained therein and implementation thereof) are subject to, among other things, Paragraphs 15-17 (Review), 20-22 (Dispute Resolution), 35 (Force Majeure), and 36 (Restrictions of State or Federal Agency) of this Consent Decree. The Remedial Work set forth in paragraphs 8-11 has an objective for completion of five years from the date of Entry; the Remedial Work set forth in paragraph 13 has an additional five (5) year objective for completion.

#### **PLAINTIFFS' REVIEW**

15. Consistent with the Notification section of this Consent Decree, and no fewer than ten (10) days prior to submitting documents relating to Remedial Work to NJDEP for approval, PPG shall consult with Plaintiffs by providing copies of pre-submission drafts of such documents to Plaintiffs. The Parties will then attempt in good faith to reach agreement on the contents of such documents.

16. Consistent with the Notification section of this Consent Decree, PPG will e-mail Plaintiffs a copy of each Submittal to NJDEP within ten (10) days after the Submittal is submitted to NJDEP. PPG also will e-mail Plaintiffs (1) a copy of any written response to a Submittal from NJDEP, and (2) if it differs from the Submittal submitted to DEP, the final Submittal as approved by NJDEP. PPG will provide to Plaintiffs' consultant a paper copy of any document related to a Submittal that Plaintiffs' consultant reasonably requests.

17. Plaintiffs may elect to review Submittals and may provide PPG with feedback on the Submittals if they have not previously agreed with their contents pursuant to paragraph 15 above. If, within fifteen (15) days after receipt of a Submittal whose contents they have not previously approved, Plaintiffs believe that the Submittal or actions taken pursuant to the Submittal would be inconsistent with this Consent Decree, Plaintiffs shall notify PPG in writing. If PPG believes it cannot simultaneously meet all applicable legal requirements, PPG shall notify

Plaintiffs. The notification shall state with specificity (a) the relevant portion(s) of the Submittal and (b) how those portion(s) of the Submittal are inconsistent with the Consent Decree or other applicable legal requirement. If PPG notifies Plaintiffs that it cannot meet all applicable legal requirements, Plaintiffs may challenge the Submittal pursuant to the Dispute Resolution section of this Consent Decree.

18. PPG does not own the sites where Remedial Work is occurring or has occurred. Permission for Plaintiffs to access the property where Remedial Work is to be undertaken can only be obtained from the property owner(s) of those sites. During the term of this Consent Decree, PPG will support Plaintiffs' reasonable request to the property owners that Plaintiffs' reasonably qualified representative be granted access to the sites where Remedial Work is to be undertaken for observation, sampling, and other oversight activities that do not interfere with the Remedial Work. Simultaneous with Plaintiffs' request to the property owners for said access to the sites, Plaintiffs shall provide PPG with notification of any requests for access to the sites consistent with the Notification section of this Consent Decree. Plaintiffs shall also provide PPG with copies of any site access agreements provided to Plaintiffs by the property owners.

#### **TERMINATION**

19. This Consent Decree shall terminate after the Remedial Work to be performed pursuant to this Consent Decree has been completed. Within thirty (30) days after the Termination Date, PPG shall file a certificate of completion with the Court and provide a copy to Plaintiffs as required under the Notification section of this Consent Decree. Termination shall be effective thirty (30) days after PPG files the certificate of completion unless within that 30-day period Plaintiffs serve PPG with a written notice of dispute pursuant to the Dispute Resolution provisions of this Consent Decree.

### **DISPUTE RESOLUTION**

20. Unless otherwise expressly provided for in this Consent Decree, the dispute resolution procedures of this section shall be the exclusive mechanism to resolve disputes arising under or with respect to this litigation, including this Consent Decree.

21. Any dispute that arises under or with respect to this litigation, including this Consent Decree, shall in the first instance be the subject of informal negotiations between the Parties. The period for informal negotiations shall not exceed thirty (30) calendar days from the time the dispute arises, unless such informal negotiation period is otherwise modified or extended by written agreement executed by the Parties. The dispute shall be considered to have arisen when a Party or Parties sends another Party or Parties a written notice of dispute as set forth in the Notification section of this Consent Decree.

22. If the Parties cannot resolve their dispute within the informal negotiation period specified in paragraph 21, *supra*, then the Party initiating the dispute shall file a petition with this Court for resolution of the dispute within thirty (30) days after the expiration of the informal negotiation. The petition shall set out the nature of the dispute and the relief requested and shall specifically refer to this paragraph of this Consent Decree. The responding Party shall have thirty (30) days to file a response to such petition.

### **NOTIFICATION**

23. Whenever written notice or other documents are required to be submitted by the Parties, the written notification shall be submitted by overnight mail, facsimile, hand delivery, or e-mail, and they shall be directed to the individuals at the addresses specified below, unless those individuals or their successors give notice of a change to the other Parties in writing.

**As to Plaintiffs:**

Nancy S. Marks, Esq.  
Natural Resources Defense Council, Inc.  
40 West 20<sup>th</sup> Street  
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Phone: (212) 727-4414  
Fax: (212) 727-1773  
E-mail: nmarks@nrdc.org

Tom McKee  
9540 Highland Street  
Mauricetown, NJ 08329  
Phone: (856) 506-0625  
E-mail: redknot@gmail.com

Michael G. Sinkevich, Esq.  
Lieberman & Blecher, P.C.  
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Princeton, NJ 08540  
Phone: (732) 355-1311  
Fax: (732) 355-1310  
E-mail: msinkevich@liebermanblecher.com

**As to PPG:**

Mark Terril  
Director of Environmental Affairs  
PPG Industries, Inc.  
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Phone: (412) 492-5466  
Fax: (412) 492-5377  
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Steven F. Faeth, Esq.  
Senior Counsel - EHS  
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E-mail: joseph.lagrotteria@leclairryan.com

24. Notices submitted pursuant to this paragraph shall be deemed effective upon mailing, sending, or e-mailing, unless otherwise provided by mutual agreement of the Parties in writing.

**NO ADMISSIONS OF LIABILITY**

25. By entering into this Consent Decree, PPG does not admit to the accuracy of any allegations in the First Amended Complaint. Nothing contained in this Consent Decree shall be considered an admission of fact or law, and nothing contained in this Consent Decree shall be considered to be a finding of any fault or liability of PPG.

**PPG'S COVENANTS**

26. PPG accepts responsibility for the investigation and remediation of CCPW at Sites 121 and 207. The Parties agree that PPG and the Jersey City Redevelopment Authority ("JCRA") have entered into an agreement whereby JCRA currently is undertaking the remedial investigation for Sites 121 and 207. The Parties also acknowledge that PPG and JCRA may enter into an agreement whereby JCRA will undertake any remediation that may be necessary at Sites 121 and 207. PPG will provide Plaintiffs with information regarding the investigation and

remediation of Sites 121 and 207 in a timely manner. Any dispute regarding whether PPG is appropriately meeting its responsibility for investigating and remediating Sites 121 and 207 is subject to the Dispute Resolution provisions of this Consent Decree.

27. PPG covenants not to oppose entry of this Consent Decree by this Court.

**PLAINTIFFS' RELEASES AND COVENANTS**

28. In consideration of the remediation PPG has completed, the remediation PPG shall perform, and the other obligations incurred by PPG under this Consent Decree, and subject to paragraph 29, *infra*, Plaintiffs release, covenant not to sue and agree not to assert any claim against PPG or to take any further administrative, legal or equitable action available to obtain any further relief sought in the First Amended Complaint, or otherwise regarding any factual allegations contained in the First Amended Complaint (except for the claims made regarding certain sites that Plaintiffs subsequently dismissed without prejudice), under the Spill Compensation and Control Act, N.J.S.A. §§ 58:10-23.11 to -23.24, Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 to 9675, RCRA, common law, or any other local law or state or federal statute, regulation, or other authority; provided, however, that this release does not preclude Plaintiffs from (a) utilizing the Dispute Resolution provisions of this Consent Decree with respect to the Remedial Work, or (b) pursuing its petition to revise state New Jersey chromium standards, provided further that Plaintiffs do not seek to have any new standards applied to the Sites subject to this release. The covenants contained in this paragraph extend only to PPG and not to any other person.

29. Plaintiffs' sole outstanding claim against PPG is for Plaintiffs' Attorneys' Fees and Costs. Plaintiffs and PPG will attempt to resolve the dispute over Plaintiffs' Attorneys' Fees and Costs with good faith negotiations. If the Parties are able to come to an agreement on Plaintiffs' Attorneys' Fees and Costs, Plaintiffs shall execute an appropriate release and file a

stipulation of dismissal regarding this claim with the Court within 10 days after such agreement. If the Parties are unable to come to an agreement on Plaintiffs' Attorneys' Fees and Costs within 120 days of Entry of this Consent Decree, the Parties will resolve this claim utilizing the Dispute Resolution section in this Consent Decree. The informal negotiation period will commence if and when, after the 120 day period, Plaintiffs provide PPG with a written notice of dispute containing Plaintiffs' Attorneys' Fees and Costs demand and the basis for the demand including attorney hours worked, hourly rate, and itemization of any other fees and costs sought.

30. Plaintiffs covenant not to oppose entry of this Consent Decree by this Court.

31. Plaintiffs covenant not to oppose or otherwise participate adversely to PPG with respect to any claims brought by PPG against any persons who are not signatories to this Consent Decree regarding the matters addressed by this Consent Decree.

#### **PARTIES' REPRESENTATIONS**

32. Plaintiffs represent that the members Plaintiffs have identified in their interrogatory responses confer standing on the Plaintiffs and that Plaintiffs expect to be able to continue to demonstrate standing for the duration of this Consent Decree.

33. Plaintiffs represent that they are not aware of any lawsuits or any potential lawsuits by any of Plaintiffs' officers, directors, or members in any way related to the remediation of the Potentially Impacted Area.

34. PPG represents that it will use best efforts to obtain access to remediate properties not owned by PPG.

#### **GENERAL PROVISIONS**

35. Force Majeure. The performance by PPG of any obligation under this Consent Decree shall be excused by a "force majeure" event or events as provided in this paragraph. For purposes of this Consent Decree, "force majeure" events are any events beyond the reasonable

control of PPG that delay or prevent the performance of the Remedial Work except for restraint by state or federal agencies. Force majeure events include, but are not limited to, floods, riots, fires, strikes, wars, embargoes, acts, or injunctions, but do not include unanticipated or increased costs associated with performance of PPG's obligations under this Consent Decree or restraint by state or federal agencies. PPG shall give notice to Plaintiffs as soon as reasonably practicable. Any disagreements among the Parties regarding force majeure are subject to the Dispute Resolution section of this Consent Decree. In any such dispute, PPG shall bear the burden of proving that any delay in performance or any other violation of any requirement of this Consent Decree was caused by or will be caused by a force majeure event, and that PPG gave the notice required by this paragraph. PPG's obligation to perform Remedial Work shall be suspended only for the period of time from the date PPG gave notice to the end of the force majeure event plus a reasonable recovery time thereafter.

36. Restraints of State or Federal Agency. PPG's obligations to perform Remedial Work, if delayed by Restraint of a State or Federal Agency, shall be extended for a period of time equal to the duration of the Restraint unless that Restraint was caused by unreasonable actions by PPG. In any dispute regarding a Restraint of a State or Federal Agency in which Plaintiffs allege that PPG acted unreasonably, Plaintiffs shall bear the burden of proving that allegation. Any disagreements among the Parties regarding a Restraint of a State or Federal Agency are subject to the Dispute Resolution section of this Consent Decree. Notwithstanding the foregoing, at any time Plaintiffs may ask this Court to address any Restraint by a State or Federal Agency.

37. Modifications. Material modifications to the terms of this Consent Decree may only be made with this Court's approval and shall be effective upon receipt of approval by the

Court. No Party may petition the Court for modification without having first made a good faith effort to reach agreement with the other Parties on the terms of such modification. Non-material modifications to the terms of this Consent Decree may only be made by agreement of the Parties. All modifications of this Consent Decree must be in writing and must be signed by all of the Parties to this Consent Decree.

38. Retention of Jurisdiction. Until Termination of this Consent Decree pursuant to paragraph 19, *supra*, this Court shall retain jurisdiction to enforce the terms and conditions of this Consent Decree and to resolve disputes arising under paragraphs 20-22, *supra*.

39. Entire Agreement. This Consent Decree represents the entire agreement between the Parties. Neither prior drafts of this Consent Decree, nor correspondence, nor oral discussions shall be used in any action involving the interpretation or enforcement of this Consent Decree.

40. No Third Party Beneficiary. Only the Parties are beneficiaries of this Consent Decree, and this Consent Decree may only be enforced by a Party. There are no third party beneficiaries of this Consent Decree. Additionally, no Party to this Consent Decree is a third party beneficiary to any other contract, agreement, or judgment related to the sites or claims at issue in this litigation.

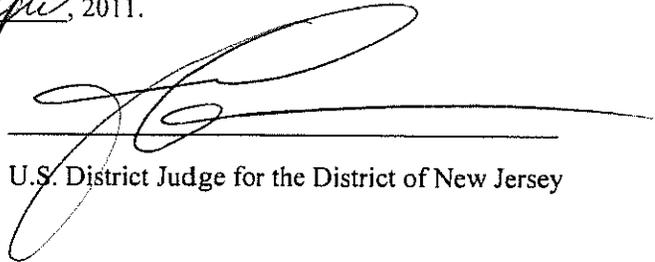
41. Future Costs. Within thirty (30) days of Entry of this Consent Decree and on or before 30 days after the first, second, third, and fourth years' anniversaries of Entry of this Consent Decree, PPG will send a check for thirty thousand dollars (\$30,000) payable to NRDC, for a total of one hundred fifty thousand dollars (\$150,000) over five years. PPG will send an additional check for \$30,000 for each year beyond five years during which Remedial Work continues. PPG will mail the check to NRDC consistent with the Notification section of this Consent Decree.

**AUTHORIZATION**

42. Each signatory of this Judgment on behalf of ICO, GRACO, NRDC or PPG certifies that he or she is fully authorized to enter into the terms and conditions of this Judgment and to execute and legally bind ICO, GRACO, NRDC or PPG, respectively to this Consent Decree.

43. This Consent Decree may be signed and dated in any number of counterparts, each of which shall be an original, and such counterparts shall together be one and the same Consent Decree.

SO ORDERED this 21 day of April, 2011.

  
\_\_\_\_\_  
U.S. District Judge for the District of New Jersey

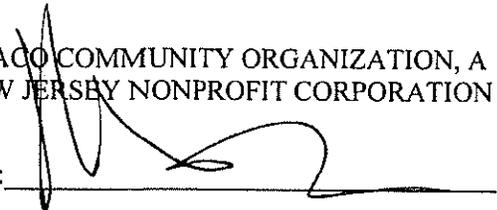
INTERFAITH COMMUNITY ORGANIZATION, INC.

Dated: 2/25/2011

By : 

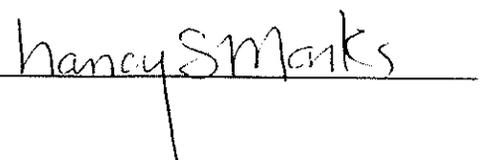
GRACO COMMUNITY ORGANIZATION, A NEW JERSEY NONPROFIT CORPORATION

Dated: 2-23-2011

By : 

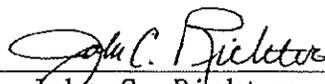
NATURAL RESOURCES DEFENSE COUNCIL, INC.

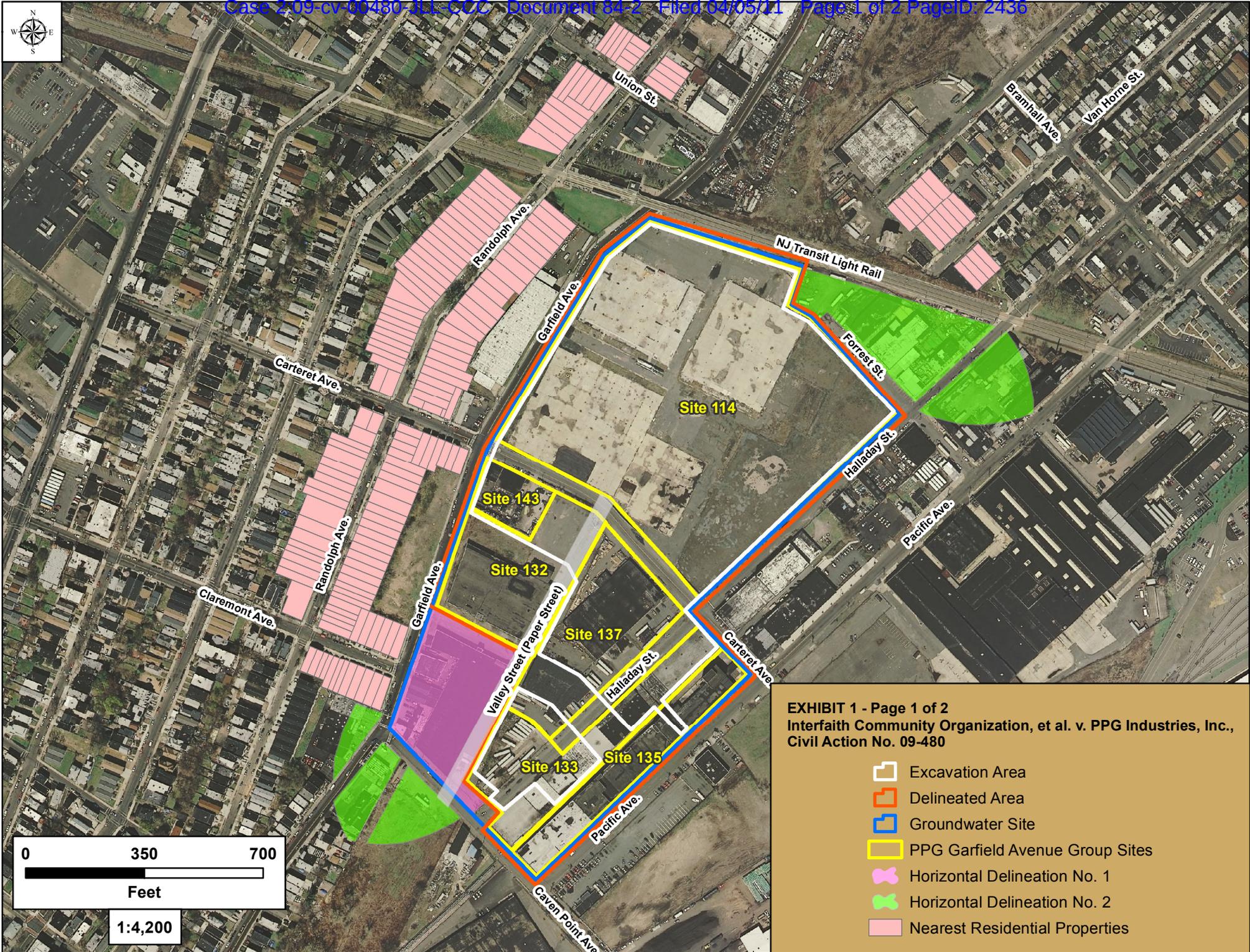
Dated: 2/24/11

By : 

PPG INDUSTRIES, INC.

Dated: April 1, 2011

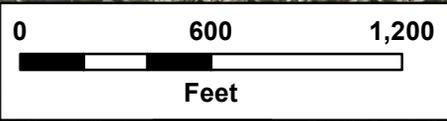
By :   
John C. Richter  
Vice President, EHS



**EXHIBIT 1 - Page 1 of 2**  
**Interfaith Community Organization, et al. v. PPG Industries, Inc.,**  
**Civil Action No. 09-480**

-  Excavation Area
-  Delineated Area
-  Groundwater Site
-  PPG Garfield Avenue Group Sites
-  Horizontal Delineation No. 1
-  Horizontal Delineation No. 2
-  Nearest Residential Properties

0      350      700  
 Feet  
 1:4,200



1:7,200

EXHIBIT 1 - Page 2 of 2  
Interfaith Community Organization, et al. v. PPG Industries, Inc.,  
Civil Action No. 09-480

-  Residential Site Investigation Boundary
-  PPG Garfield Avenue Group Sites

**EXHIBIT 4**

**EMAIL FROM JOE MORRIS, NJT TO SITE ADMINISTRATOR**

**(ATTACHED)**

**From:** Joe Morris <[joemorris03@gmail.com](mailto:joemorris03@gmail.com)>

**Sent:** Wednesday, June 21, 2023 2:07 PM

**To:** Ronald Riccio <[RRiccio@mdmrc-law.com](mailto:RRiccio@mdmrc-law.com)>

**Cc:** Phillips, Lauren <[lphillips@nrdc.org](mailto:lphillips@nrdc.org)>; Rev Alonzo Perry <[alonzoperry56@gmail.com](mailto:alonzoperry56@gmail.com)>; Willard W C Ashley <[dr.wwca@icloud.com](mailto:dr.wwca@icloud.com)>

**Subject:** letter to NJDEP Commissioner regarding the unfinished PPG cleanup

This message originated from outside your organization

---

Hello Mr. Riccio,

Attached is a letter from New Jersey Together and the Natural Resources Defense Council (NRDC) to NJDEP Commissioner LaTourrette regarding our organizations' concerns and questions about the unfinished cleanup of the PPG chromate waste sites on Garfield Avenue. Lauren Phillips of NRDC is cc'd here, along with Rev. Dr. Alonzo Perry and Rev. Dr. Willard Ashley of NJ Together.

NJ Together, an affiliate of the Metro IAF citizens' organizing network, is the successor organization to the Interfaith Community Organization, which began the campaign to remediate Hudson County's chromate waste dump sites in 1989. Our litigation against Honeywell resulted in the comprehensive cleanup of their sites on Route 440.

ICO and NRDC sued PPG in federal court; the resulting federal consent decree issued in 2011 establishes a set of requirements that PPG must meet, in addition to those imposed by NJDEP and the state consent decree. Recent reports from PPG indicate that they are far from meeting those requirements with respect to groundwater contamination. We are currently reviewing site data with the assistance of independent technical experts, and would appreciate the ability to collaborate with you and your team in this process.

Please let us know if you have some availability over the next 2-3 weeks for a phone call or online meeting.

We hope to work with you, DEP, and the City of Jersey City to hold PPG to the same high standard that we successfully held Honeywell, so that future generations in Jersey City can use this long-contaminated land without fear of health and environmental damage.

Thank you,

Joe Morris

Senior Organizer

Metro Industrial Areas Foundation - [metro-iaf.org](http://metro-iaf.org)

201-705-7988

*See the CBS News profile of Metro IAF's Nehemiah Project*

**EXHIBIT 5**

**EMAIL FROM SITE ADMINISTRATOR TO JOE MORRIS**

**(ATTACHED)**

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**From:** James D. Ray  
**Sent:** Friday, June 23, 2023 8:37 AM  
**To:** 'joemorris03@gmail.com' <joemorris03@gmail.com>  
**Cc:** 'lphillips@nrdc.org' <lphillips@nrdc.org>; 'alonzoperry56@gmail.com' <alonzoperry56@gmail.com>; 'dr.wwca@icloud.com' <dr.wwca@icloud.com>  
**Subject:** RE: letter to NJDEP Commissioner regarding the unfinished PPG cleanup

Mr. Morris: On behalf of Site Administrator Riccio, please find below his response to your June 21 email. Thank you,

Dear Mr. Morris: Thank you for your June 21 email. I am happy to meet with you, as well as representatives of New Jersey Together and the NRDC to address, as stated in your email, your organizations' "concerns and questions about the unfinished cleanup of the PPG chromate waste sites on Garfield Avenue."

I am generally aware of the federal court litigation against PPG referenced in your email. I have also reviewed the 2011 Consent Decree entered into by Interfaith Community Organization, Inc., Graco Community Organization, the Natural Resources Defense Council, Inc. and PPG. As I am sure you know, the 2011 Consent Decree pre-dates my January 4, 2016, appointment as Site Administrator.

My duties and responsibilities as Site Administrator of the PPG chromium sites is governed by the "Partial Consent Judgment Concerning the PPG Sites" entered by a Judge of the Superior Court of New Jersey on June 26, 2009 (the "JCO") and subsequent amendments to the JCO. Thus, I have no jurisdiction over or involvement with the 2011 Federal Court Consent Decree. Nonetheless, one of my duties and responsibilities under the JCO is to "Attend and participate in community or public meetings to discuss proposed remedial measures at the PPG Sites...." (Para.49 f.). My meeting with you, New Jersey Together and NRDC to discuss the Garfield Avenue chromate sites clearly falls within the scope of my duties and responsibilities under the JCO.

It is my understanding that initial responses to the list of questions attached to the June 20 letter from New Jersey Together and the NRDC to NJDEP Commissioner LaTourette are currently in the process of being prepared by PPG. I suggest we meet during the week of July 17-July 21. By that time PPG's initial responses should have been completed and circulated to all interested parties. I suppose it is also possible that by the time we meet you will have had your meeting with NJDEP. In my opinion, my meeting with you, New Jersey Together and NRDC may be more productive, contextual, and informative after you have received PPG's initial responses and, possibly, after your meeting with NJDEP. However, my opinion is not meant to be a prerequisite for our meeting during the week of July 17.

Please let me know your availability for the week of July 17. I am more than willing to meet in person if you and your group are able to do so. Also, if you have any interest in doing so, we can visit the PPG Garfield Avenue chromium sites either following our meeting or during our meeting.

In the meantime, you or others in your group may find it helpful to review the comprehensive website describing the cleanup activities at the PPG chromium sites under the JCO. Included on the website, among other things, are PPG's cleanup reports as well as my twice per year detailed progress reports to the Court. Here is the link to the website: <https://chromecleanup.com/>. I look forward to our meeting.

Very truly yours  
Ronald J. Riccio  
Site Administrator

**EXHIBIT 6**

**PPG RESPONSES TO NJT/NRDC LIST OF QUESTIONS**

**(ATTACHED)**

## PPG Responses to Questions from New Jersey Together and NRDC

### **Q1: What work remains to be done before PPG Industries is in full compliance with the federal consent decree reached between the plaintiffs (ICO, NRDC and GRACO) and PPG Industries in 2011?**

With respect to soil, PPG has achieved full compliance with Paragraphs 8 through 11 of the 2011 Consent Decree (CD) as documented in the Supplemental Soil Remedial Investigation Report (AECOM, 2018b), Remedial Action Reports (RARs) for soil, and as discussed herein. No further action for soil is warranted beyond fulfilling Remedial Action Permit (RAP) requirements, where applicable.

Compliance with Paragraph 12 of the CD “Investigation and Remediation of Residential Properties’ was provided in the March 20, 2018, technical memorandum entitled, *Residential Site Inspection Program – Interfaith Community Organization Consent Decree* (AECOM, 2018a).

With respect to groundwater, PPG has achieved full compliance with Paragraph 13 of the CD in the shallow water-bearing zone. This zone includes groundwater from approximately 3 feet below current ground surface down to the meadow mat, which is present across the majority of the site (approximately 18 feet below current ground surface). This zone is where redevelopment buildings will be constructed in the future.

For the intermediate and deep water-bearing zones (approximately 20 feet below current ground surface down to as deep as 80 feet below current ground surface), PPG has made great progress in achieving the goals of the CD via implementation of the New Jersey Department of Environmental Protection (NJDEP)-approved remedy. Groundwater monitoring data show that the concentrations of Cr(VI) have been decreased by values up to three to four orders of magnitude across most of the treatment area, with Cr(VI) concentrations below the detection limits at most monitoring locations. Also, the data show reductions in the lateral extent of the groundwater plume within the treatment areas.

For the bedrock water-bearing zone, the depth of which varies based on site-specific features, PPG has submitted the Addendum to Remedial Investigation Report and Remedial Action Work Plan for the Bedrock Water-Bearing Zone and is working with the NJDEP on approval.

PPG welcomes the opportunity to talk with NJ Together and NRDC experts about the technical details of the groundwater remediation. Unlike soil and shallow groundwater remediation, PPG anticipates that treatment of portions of the intermediate, deep, and potentially bedrock water-bearing zones will occur over the long term.

### **Q2: When and how will chromium-contaminated soil be removed from sites deemed “inaccessible” by PPG?**

Inaccessible Soil, as defined by the CD, includes:

- (1) Under and within approximately 10 feet of Garfield Avenue
- (2) Under and within approximately 50 feet of the light rail tracks
- (3) Under and within approximately 10 feet of Carteret Avenue
- (4) Under and within approximately 10 feet of Halladay Street
- (5) Under and within approximately 10 feet of Valley Road

Per Paragraph 9, the CD does not require PPG to remove chromium-contaminated soil from inaccessible areas but allows for containment or treatment where practicable.

The status of each inaccessible area is summarized as follows:

- (1) **Garfield Avenue:** A current-use remedy, which includes engineering controls and institutional controls, is being implemented, as documented in the Garfield Avenue Roadway Remedial Action Report (RAR) (AECOM, 2022), as approved by NJDEP. A Notice in Lieu of Deed Notice (NILODN) has been recorded, and a RAP application was submitted to NJDEP in June 2023.

As described in the Garfield Avenue RAWP (AECOM, 2019) limited excavation of CCPW impacts will occur as part of the future-use remedy, which will be implemented when the City of Jersey City (the City) undergoes widening of Garfield Avenue. The City's timing for this work has not yet been determined. Due to the presence of extensive utilities within Garfield Avenue, not all CCPW impacts will be accessible to remove during this phase of work. As such, some CCPW impacts will remain following implementation of the future-use remedy, which will be addressed by implementation of engineering controls and institutional controls (AECOM, 2019).

- (2) **Light Rail Tracks (Site 199):** A current-use remedy (including engineering controls) is being implemented, as documented in the Draft Site 199 Remedial Investigation Report (RIR)/RAWP/RAR (AECOM, 2023b), which is currently under revision based on NJDEP review. The Final Site 199 RIR/RAWP/RAR will be submitted to NJDEP in 2023.

Removal of CCPW impacts cannot occur until the light rail is no longer in operation. There are no plans for removal at this time.

- (3) **Carteret Avenue:** Remedial excavation has been conducted within Carteret Avenue, as documented in the Carteret Avenue Remedial Action Report (AECOM, 2021a), as approved by NJDEP. Limited CCPW impacts remain in place around the more than 100-year-old 96-inch sewer. A NILODN has been recorded and a RAP application has been submitted to NJDEP.
- (4) **Halladay Street:** Remedial excavation has been conducted within Halladay Street, as documented in the Halladay Street South RAR (AECOM, 2019c) and Halladay Street North RAR (AECOM, 2021b), which were both approved by NJDEP. No further action is required.
- (5) **Valley Road (Portion of Site 132 and Ten West):** Remedial excavation has been conducted within Site 132 and Ten West, as documented in the Site 132 RAR (AECOM, 2019b), as approved by NJDEP, and the Phase 3B South RAR (AECOM, 2023a), for which NJDEP approval is imminent. No further action is required.

It should be noted that within Delineated Area 2 (Forrest Street Properties), PPG has also implemented a current-use remedy, which includes engineering controls and institutional controls as documented in the Forrest Street Properties RAR (AECOM, 2023c). This document is currently under NJDEP review. A deed notice and associated RAP application will be prepared and submitted in 2023. As described in the NJDEP-approved Forrest Street RAWP (AECOM, 2019d), excavation of CCPW-related impacts will occur as part of the future-use remedy, which will be implemented when the property owner demolishes the existing buildings as part of redevelopment. The Forrest Street Properties owner's timing for demolition

and redevelopment has not been determined.

**Q3: How will adjacent sites be protected from discharge of contaminated groundwater from these still-contaminated areas?**

As mentioned above, PPG has achieved full compliance with Paragraph 13 of the CD in the shallow water-bearing zone. Also as mentioned above, Garfield Avenue, the light rail tracks, Carteret Avenue, and Forrest Street Properties are the only soil areas with contamination remaining in place.

To protect adjacent sites from discharge of potentially contaminated groundwater, PPG has constructed several groundwater engineering controls in conjunction with soil remediation and restoration activities, including a capillary break, reductant amended backfill, and sheet pile. In addition, the presence of a competent meadow mat layer between the shallow and intermediate water-bearing zones serves as a natural control preventing the vertical migration of Cr(VI).

A Classification Exception Area (CEA) was established by the NJDEP in 2018 and updated in March 2023. The CEA will be maintained until the remediation goal is attained.

Long-term groundwater monitoring will be conducted until the groundwater remediation goals are achieved. Furthermore, maintenance of groundwater engineering controls will continue during this period.

**Q4: We are very concerned that the levels of hexavalent chromium in the intermediate and deep groundwater on the site remain extremely high, despite years of chemical treatment through on-site injection wells, and that contaminated groundwater has repeatedly come to the surface during PPG's groundwater treatment. What are the implications of these setbacks for PPG's ability to remediate groundwater to the standard of 1,000 parts per billion of Cr6 required in the consent decree, and 70 parts per billion at the site's perimeter?**

Implementation of the groundwater remedy in the intermediate and deep water-bearing zones began in 2017. The remedy is being implemented to actively treat groundwater impacted with Cr(VI) and establish reactive zones to sustain continued in situ treatment over the long term. As a result, today only 20 percent of the 113 monitoring wells contain Cr(VI) concentrations greater than 1,000 parts per billion. Where treatment is complete, the monitoring wells with Cr(VI) remaining are located in low permeability or disconnected zones.

While there have been instances of surfacing events during the injection process, PPG would not characterize the occurrences as "repeatedly." It is not uncommon for these events to occur during implementation of such remedies. In every area where this has occurred, water samples have been collected to measure Cr(VI) concentrations and assess if the surface was impacted by water with Cr(VI) greater than 70 ppb. In most cases, the Cr(VI) concentrations have been non detect or less than 70 ppb, thus the surface was not impacted. In other cases, a soil sample was collected to confirm if surface impacts have occurred, and in very limited cases, a removal (excavation) of surface material occurred. These actions are overseen by PPG's soil LSRP, who ensures that NJDEP requirements are complied with, and the surface is returned to pre-upwelling conditions.

PPG does not believe the surfacing events present a setback to reaching the remediation requirements of the CD. The remedy being implemented is effective in treating Cr(VI) and demonstration of that will

be conducted over the long term by continued groundwater monitoring.

**Q5: If PPG's groundwater remediation strategy has not achieved the expected results, are there alternative strategies that should be considered?**

PPG removed more than 1 million tons of soil and replaced that soil mostly with fill amended with a reagent to treat shallow groundwater. As a result, Cr(VI) concentrations do not exceed 70 parts per billion (ppb) in the shallow water-bearing zone. To date, over 33 million gallons of fluids have been injected into 331 intermediate and deep wells at the Site to distribute remediation compounds into the subsurface. The groundwater remediation strategy has been effective and has achieved the expected results. In the NJDEP-approved RAWP, PPG acknowledges that there are areas of low permeability or disconnected lenses of soil that will take time to remediate to achieve the required results.

**Q6: What lessons can be learned from more than a decade of groundwater remediation carried out by Honeywell on similar contaminated sites on Route 440?**

Honeywell's groundwater remediation appears to take steps to prevent further migration of groundwater contaminants to an adjacent surface water body receptor. The NJDEP-approved groundwater remedy for the Garfield Avenue Sites is likewise designed to prevent impacts to receptors, both human (i.e., drinking water) and ecological (i.e., surface water bodies). In addition, there are concentrations of Cr(VI) in groundwater at the Honeywell site that are higher than reported concentrations at the PPG GAG site. PPG looks forward to talking with NJ Together and NRDC about site specifics in a future meeting.

**Q7: Can we be certain that PPG will effectively monitor groundwater levels for as long as it takes to achieve the protective standard?**

Yes. In addition to the long-term benefits to groundwater provided by the reactive zones and engineering controls discussed herein, the groundwater remedy includes long-term groundwater monitoring as presented on Figure 5-1 of the Groundwater RAWP. A RAP will be issued by the NJDEP that will continue to obligate PPG to effectively monitor groundwater and certify that the groundwater remedy remains protective until the 70 ug/L Ground Water Quality Standard for chromium (total) is achieved.

**Q8: What measures are being employed to monitor and control the plume of contaminated groundwater and ensure that it doesn't migrate off-site?**

The reactive zones that have been and are being established by ongoing treatment and engineering controls constructed in conjunction with soil remediation activities will serve to control the groundwater plume. In addition, the groundwater remedy includes long-term groundwater monitoring to measure the extent of the plume. PPG reports on this progress quarterly at this point. Once the Remedial Action Report (RAR) is submitted this August and then a Remedial Action Permit is applied for and received, PPG will continue to evaluate groundwater conditions to prevent further migration of groundwater impacts.

**Q9: Since full groundwater remediation may take decades, what ongoing protections and restrictions are needed to ensure that contaminated groundwater doesn't reach the surface, recontaminate soils, migrate off-site, or come into contact with buildings or infrastructure?**

As mentioned above, PPG removed more than 1 million tons of soil and replaced that soil mostly with fill amended with a reagent to treat shallow groundwater. As a result, Cr(VI) concentrations do not exceed 70 parts per billion (ppb) in the shallow water-bearing zone. The amended fill also acts as a horizontal barrier over the intermediate groundwater to prevent chromium impacts from reaching the surface. Small portions of the site do have a capillary break installed out of an abundance of caution. PPG believes there are several layers of protection to ensure that contaminated groundwater does not reach the surface, re-contaminate soils or migrate off-site. The reactive zones that have been and are being established by ongoing treatment and engineering controls constructed in conjunction with soil remediation activities will serve to control the groundwater plume. PPG regularly meets with the redeveloper to be assured its workers are taking and will continue to take proper measures in connection with the engineering controls at the site, which are meant to mitigate any potential exposure pathways. In addition, PPG and the developer use these meetings to harmonize building design with the remediation.

**Q10: Will the capillary breaks (e.g., plastic liners) installed to prevent upwelling of contaminated groundwater be fully effective?**

Yes. Because soil remediation was performed prior to groundwater remediation, a capillary break consisting of an impermeable high-density polyethylene (HDPE) liner or a 6-inch layer of open grade stone (OGS) was designed and installed in certain areas out an abundance of caution to prevent the formation of surficial Cr(VI) blooms that could potentially occur through capillary rise of shallow impacted groundwater to the soil surface.

Since the capillary breaks were installed, groundwater remediation has been completed in several areas across the site. The combination of amended backfill and groundwater remediation has resulted in groundwater monitoring data that demonstrates that Cr(VI) concentrations do not exceed 70 parts per billion (ppb) in the shallow water-bearing zone. Thus, evaluation of where a capillary break is still required is ongoing. For example, based on the success of groundwater remediation in the southwest quadrant of Site 114, the need for an OGS capillary break in this area has been eliminated. Currently, only 10 percent of the GAG area requires a capillary break. An HDPE capillary break liner is installed along portions of Garfield Avenue due to the inaccessible soil remaining in place as well as the concentrations of Cr(VI) in the intermediate water-bearing zone. The break that has been installed is a well-documented industry standard that is protective of the formation of surficial blooms.

**Q11: How quickly will they degrade?**

The useful lifespan of an unexposed HDPE liner has been estimated to be between 69-400 years depending on a range of field conditions (Koerner et al, 2005). OGS is inert material that will not degrade and is considered permanent.

**Q12: How and by whom will their condition be monitored?**

Capillary breaks will be evaluated and inspected under the oversight of PPG's Licensed Site Remediation Professional (LSRP) of Record at the frequency required in the RAP for Groundwater, once issued by NJDEP.

**Q13: What restrictions must be placed on site usage and development to ensure that the capillary breaks and other aspects of the remediation remain fully functional for as long as chromium**

### **contamination persists in the groundwater?**

Any disturbance to engineering controls (including capillary breaks) must be communicated to the LSRP and repaired accordingly. These requirements are set forth in the RAPs. PPG regularly meets with the redeveloper to be assured its workers are taking and will continue to take proper measures in connection with the engineering controls at the site, which are meant to mitigate any potential exposure pathways. In addition, PPG and the developer use these meetings to harmonize building design with the remediation.

### **Q14: Is it necessary to prohibit the driving of piles or other actions that would penetrate or disturb the capillary breaks?**

No. There are no restrictions on driving piles through the OGS capillary break since OGS is considered self-sealing around structures. If any work, such as pile driving, penetrates or damages the HDPE liner capillary break, the redevelopers would be required to coordinate with PPG to repair the capillary break and to ensure the repair is properly designed and implemented. This activity is not uncommon during redevelopment activity.

### **Q15: Is it necessary to restrict the mass of buildings on-site in order to limit compression of the soils? How and by whom will these restrictions be enforced?**

There are no restrictions on the mass of buildings on site associated with the remediation.

### **Q16: What protocols will be in place to ensure ongoing monitoring of groundwater on site and at the site boundaries, and to notify property owners and interested parties of monitoring results?**

Monitoring wells situated throughout and around periphery of the site will be sampled as part of the long-term groundwater monitoring program. The monitoring plan will be outlined in the Groundwater RAP to be issued by the NJDEP.

Since August 2009, PPG has issued letters to residents and tenants near the Garfield Avenue Group of Sites every two years. These letters summarize soil and groundwater conditions at each cleanup site and the plan for achieving remediation. In that same envelope, PPG includes a fact sheet about groundwater conditions at all the sites in aggregate. In addition to the area's industrial history, the source of the hexavalent chromium contamination, the current remedial status and remedial actions, the fact sheet describes the extent of contamination, including the plume's horizontal and vertical boundaries. The fact sheet also contains actions performed to prevent exposure to human health and a list of online resources for information about hexavalent chromium. Furthermore, in conjunction with the biennial mailing, PPG publishes a newspaper advertisement that summarizes the fact sheet. PPG is in the early stages of developing the documents to be issued this August, and the company fully intends to fulfill its NJDEP-required public notification requirements until groundwater remediation is complete.

### **Q17: What financial assurances will PPG make (e.g., placing funds in escrow) to ensure that remediation and monitoring will continue until the site is fully and permanently remediated?**

PPG has provided a \$50 million letter of credit in support of all the company's chromium remediation obligations.

## References:

AECOM, 2017. *Capillary Break Design Final Report (Revision 2)*. December 2017.

AECOM, 2018a. *Technical Memorandum: Residential Site Inspection Program – Interfaith Organization Consent Decree*. March 20, 2018.

AECOM, 2018b. *Supplemental Soil Remedial Investigation Report – Soil, Garfield Avenue Group Non-Residential Chromate Chemical Production Waste Sites – 114, 132, 133, 135, 137, 143, and Adjacent Properties and Roadways, Final Revision 1, PPG Garfield Avenue Group, Hudson County Chromium Sites, Jersey City, New Jersey*. August 2018.

AECOM, 2018c. *Remedial Action Work Plan (Soil), Rev. 4, Garfield Avenue Group Sites, Jersey City, Hudson County, New Jersey, Final*. September 2018.

AECOM, 2019a. *Remedial Action Work Plan (Soil) – Garfield Avenue Roadway, Final, Addendum to the Final Remedial Action Work Plan (Soil) Rev. 4, Garfield Avenue Group Sites, NJDEP Program Interest Number: G000005480, PPG Garfield Avenue Group, Hudson County Chromate Sites, Jersey City, New Jersey*. March 2019.

AECOM, 2019b. *Remedial Action Report, Site 132 (AOC 132-1) Soil, Final, NJDEP Program Interest Number: G000008749, PPG Garfield Avenue Group, Hudson County Chromate Sites, Jersey City, New Jersey*. May 2019.

AECOM, 2019c. *Remedial Action Report, Halladay Street South (AOC HSS-1A and AOC HSS-2A) Soil, Final (Revision 2), NJDEP Program Interest Number: G000005480, PPG Garfield Avenue Group, Hudson County Chromate Sites, Jersey City, New Jersey*. October 2019.

AECOM, 2019d. *Remedial Action Work Plan for Current Use of Forrest Street and Forrest Street Properties (Soil), Final (Revision 1), NJDEP Program Interest Number: 775706, PPG Garfield Avenue Group, Hudson County Chromate Sites, Jersey City, New Jersey*. November 2019.

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*Avenue Group Sites, Jersey City, New Jersey. March 2023.*

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**EXHIBIT 7**  
**EMPLOYMENT REPORTS**  
**(ATTACHED)**



M: 412.235.8881  
E: [overmyer@ppg.com](mailto:overmyer@ppg.com)  
ppg.com

**Jody Overmyer**  
Senior Remediation Project Manager

March 24, 2023

Ronald Riccio (*Via Email [rriccio@mdmc-law.com](mailto:rriccio@mdmc-law.com)*)  
McElroy, Deutsch, Mulvaney & Carpenter, LLP  
One Hovchild Plaza  
4000 Route 66  
Tinton Falls, New Jersey 07753

Re: PPG New Jersey Chrome  
3Q22 Employment Report

Dear Mr. Riccio:

This report describes PPG's progress on the contracting and employment goals described in the Partial Consent Judgment filed on June 26, 2009 in compliance with the requirements of Paragraph 60 of the Order.

During the third quarter of 2022, 10 firms provided services, including environmental consultants, for on-site activities directly related to investigation and remediation of PPG's chromium sites. For this quarter, none of these firms maintain a business presence in Jersey City. Note that ENTACT opened a Jersey City office January 2, 2018; ENTACT hours prior to this date do not count in the firms with operations in Jersey City total.

To date, firms with operations in Jersey City have provided 32.6% of the labor employed on the project. Jersey City residents accounted for a total of 1,242 hours or 27.8% of the labor used on the project during the third quarter, and 318,002 hours or 28.6% of the labor used for the project to date. The calculation of progress toward the local hiring goal includes all on-site labor except consulting services and over-the-road truck drivers, as was previously agreed to by the Local Employment Goals Work Group.

Sincerely,

A handwritten signature in black ink that reads "Jody Overmyer" followed by a small "es" at the end.

Jody Overmyer

Ecc:

P. Amin  
P. Baker  
N. Colson  
I. Curtis  
R. Engel

S. Faeth  
R. Feinberg  
C. Fiore  
J. Lagrotteria  
D. Laguzza

J. Ray  
D. Spader  
I. Wilson  
J. Worden

**PPG**  
**New Jersey Chrome Project**  
Garfield Avenue Group Sites  
Q3 2022 Local Employment Report  
March 24, 2023

	Allied Universal	Aquifer Drilling	AWT Environmental	Borbas Surveying	Cascade	Code	Control Services	Evoqua	Flexible Liner	Hager-Richter	Handex	Safe and Sound Environmental	SGS	TPI	Totals
January	<b>360</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>120</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>21</b>			<b>0</b>		<b>509</b>
	744	47		32	16	555	265	376	8	44			32		2,118
February	<b>360</b>			<b>0</b>		<b>112</b>	<b>0</b>	<b>0</b>		<b>11</b>					<b>483</b>
	672			32		573	8	257		39					1,580
March	<b>352</b>	<b>0</b>		<b>0</b>		<b>21</b>	<b>120</b>	<b>0</b>	<b>0</b>	<b>4</b>				<b>0</b>	<b>497</b>
	743	11		25		114	185	442	60	7				5	1,591
April	<b>384</b>	<b>0</b>	<b>0</b>	<b>0</b>			<b>0</b>	<b>0</b>			<b>0</b>				<b>384</b>
	720	77	9	25			107	370			18				1,326
May	<b>415</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>0</b>		<b>0</b>						<b>0</b>	<b>415</b>
	743	16	308	18		63		417						8	1,573
June	<b>408</b>		<b>0</b>	<b>0</b>		<b>0</b>		<b>0</b>							<b>408</b>
	720		274	14		145		284							1,437
July	<b>394</b>		<b>0</b>	<b>0</b>	<b>0</b>			<b>0</b>							<b>394</b>
	744		13	3	95			145							999
August	<b>413</b>			<b>0</b>				<b>0</b>				<b>0</b>			<b>413</b>
	744			14				274				285			1,317
September	<b>436</b>		<b>0</b>	<b>0</b>								<b>0</b>			<b>436</b>
	720		41	6								314			1,080
October															<b>0</b>
															0
November															<b>0</b>
															0
December															<b>0</b>
															0
<b>Totals:</b>	<b>3,521</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>253</b>	<b>128</b>	<b>0</b>	<b>0</b>	<b>36</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,938</b>
	6,550	151	644	167	111	1,450	565	2,565	68	89	18	599	32	13	13,021

Note: Jersey City Contractors in Red

JC Resident Hours
Total Hours

Project to Date (All Sites)	Jersey City Hours	Total Hours	% Jersey City Residents
2009:	1,875	5,581	33.6%
2010:	11,808	30,181	39.1%
2011:	19,449	58,741	33.1%
2012:	18,685	73,753	25.3%
2013:	39,546	165,638	23.9%
2014:	62,951	204,031	30.9%
2015:	35,784	103,123	34.7%
2016:	25,046	64,783	38.7%
2017:	21,448	70,307	30.5%
2018:	25,378	86,644	29.3%
2019:	22,359	94,528	23.7%
2020:	16,705	62,233	26.8%
2021:	13,030	79,035	16.5%
2022:	3,938	13,106	30.0%
<b>Project Totals:</b>	<b>318,002</b>	<b>1,111,684</b>	<b>28.6%</b>

**PPG**  
**New Jersey Chrome Project**  
 Non-Garfield Avenue Group Sites  
 Q3 2022 Local Employment Report  
 March 24, 2023

	Site 107/108/Conrail ROW			Site 174 Dennis	Totals
	Aquifer Drilling	Borbas Surveying	TPI	AWT	
January	0				0
	27				27
February					0
					0
March	0		0		0
	9		5		14
April					0
					0
May				0	0
				1	1
June					0
					0
July					0
					0
August		0			0
		19			19
September		0			0
		25			25
October					0
					0
November					0
					0
December					0
					0
<b>Totals:</b>	0	0	0	0	0
	36	44	5	1	85

**Note: Jersey City Contractors in Red**

<b>JC Resident Hours</b>	
Total Hours	



M: 412.235.8881  
E: [overmyer@ppg.com](mailto:overmyer@ppg.com)  
ppg.com

**Jody Overmyer**  
Senior Remediation Project Manager

March 24, 2023

Ronald Riccio (Via Email [rriccio@mdmc-law.com](mailto:rriccio@mdmc-law.com))  
McElroy, Deutsch, Mulvaney & Carpenter, LLP  
One Hovchild Plaza  
4000 Route 66  
Tinton Falls, New Jersey 07753

Re: PPG New Jersey Chrome  
4Q22 Employment Report

Dear Mr. Riccio:

This report describes PPG's progress on the contracting and employment goals described in the Partial Consent Judgment filed on June 26, 2009 in compliance with the requirements of Paragraph 60 of the Order.

During the fourth quarter of 2022, 10 firms provided services, including environmental consultants, for on-site activities directly related to investigation and remediation of PPG's chromium sites. For this quarter, none of these firms maintain a business presence in Jersey City. Note that ENTACT opened a Jersey City office January 2, 2018; ENTACT hours prior to this date do not count in the firms with operations in Jersey City total.

To date, firms with operations in Jersey City have provided 32.5% of the labor employed on the project. Jersey City residents accounted for a total of 1,640 hours or 49.6% of the labor used on the project during the fourth quarter, and 319,642 hours or 28.7% of the labor used for the project to date. The calculation of progress toward the local hiring goal includes all on-site labor except consulting services and over-the-road truck drivers, as was previously agreed to by the Local Employment Goals Work Group.

Sincerely,

A handwritten signature in black ink that reads "Jody Overmyer" followed by the letters "es". The signature is fluid and cursive.

Jody Overmyer

Ecc:

P. Amin  
P. Baker  
N. Colson  
I. Curtis  
R. Engel

S. Faeth  
R. Feinberg  
C. Fiore  
J. Lagrotteria  
D. Laguzza

J. Ray  
D. Spader  
I. Wilson  
J. Worden

**PPG**  
**New Jersey Chrome Project**  
Garfield Avenue Group Sites  
Q4 2022 Local Employment Report  
March 24, 2023

	Allied Universal	Aquifer Drilling	AWT Environmental	Borbas Surveying	Cascade	Code	Control Services	Evoqua	Flexible Liner	Hager-Richter	Handex	Safe and Sound Environmental	SGS	TPI	Totals
January	360	0		0	0	120	8	0	0	21			0		509
	744	47		32	16	555	265	376	8	44			32		2,118
February	360			0		112	0	0		11					483
	672			32		573	8	257		39					1,580
March	352	0		0		21	120	0	0	4				0	497
	743	11		25		114	185	442	60	7				5	1,591
April	384	0	0	0			0	0			0				384
	720	77	9	25			107	370			18				1,326
May	415	0	0	0		0		0						0	415
	743	16	308	18		63		417						8	1,573
June	408		0	0		0		0							408
	720		274	14		145		284							1,437
July	394		0	0	0			0							394
	744		13	3	95			145							999
August	413			0				0				0			413
	744			14				274				285			1,317
September	436		0	0								0			436
	720		41	6								314			1,080
October	560		0	0								0			560
	744		13	8								300			1,065
November	512	0	0	0								0			512
	720	16	18	76								314			1,144
December	568			0								0		0	568
	744			6								333		4	1,087
Totals:	5,161	0	0	0	0	253	128	0	0	36	0	0	0	0	5,578
	8,758	167	675	257	111	1,450	565	2,565	68	89	18	1,546	32	17	16,316

Note: Jersey City Contractors in Red

JC Resident Hours
Total Hours

Project to Date (All Sites)	Jersey City Hours	Total Hours	% Jersey City Residents
2009:	1,875	5,581	33.6%
2010:	11,808	30,181	39.1%
2011:	19,449	58,741	33.1%
2012:	18,685	73,753	25.3%
2013:	39,546	165,638	23.9%
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2017:	21,448	70,307	30.5%
2018:	25,378	86,644	29.3%
2019:	22,359	94,528	23.7%
2020:	16,705	62,233	26.8%
2021:	13,030	79,035	16.5%
2022:	5,578	16,409	34.0%
Project Totals:	319,642	1,114,988	28.7%

**PPG**  
**New Jersey Chrome Project**  
 Non-Garfield Avenue Group Sites  
 Q4 2022 Local Employment Report  
 March 24, 2023

	Site 107/108/Conrail ROW			Site 174 Dennis	457 Communipaw	Totals
	Aquifer Drilling	Borbas Surveying	TPI	AWT	Borbas Surveying	
January	0					0
	27					27
February						0
						0
March	0		0			0
	9		5			14
April						0
						0
May				0		0
				1		1
June						0
						0
July						0
						0
August		0				0
		19				19
September		0				0
		25				25
October						0
						0
November					0	0
					8	8
December						0
						0
<b>Totals:</b>	0	0	0	0	0	0
	36	44	5	1	8	93

Note: Jersey City Contractors in Red

JC Resident Hours	
Total Hours	