



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PHILIP D. MURPHY
Governor

CATHERINE R. MCCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

Site Remediation and Waste Management Program
Remediation Review Element
Bureau of Remedial Action Permitting
401 E. State Street
P.O. Box 420
Mail Code 401-05S
Trenton, NJ 08625-0420
Phone: (609) 984-2990

July 2, 2018

William Hague, Director
Remediation Design and Construction
HONEYWELL INTERNATIONAL INC
115 Tabor Road
Morris Plains, NJ 07950

RE: Soil Remedial Action Permit
Site: Study Area SA-6 North Deferred Area
A/K/A: Hudson County Chromate 87
Address: 555 and 575 Route 440
City: Jersey City
County: Hudson
SRP Program Interest #: G000008710
Soil Remedial Action Permit #: RAP180005

Dear Mr. Hague:

Enclosed is a Soil Remedial Action Permit issued pursuant to the Site Remediation Reform Act, 58:10C-1 et seq. and the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-1 et seq. This permit becomes effective on July 9, 2018. Please note the referenced permit and program interest numbers and refer to them when corresponding with the Department.

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

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

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


William Hague, Director
Remediation Design and Construction
115 Tabor Road
Morris Plains, NJ 07950
Phone: (973) 455-2175

Email: william.hague@honeywell.com

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

The Department looks forward to future continued cooperation in working together to provide a healthy environment for the citizens of New Jersey and to protect its resources. Going forward, questions or comments regarding this permit should be addressed to the Bureau of Remedial Action Permitting at 609-984-2990, attention Robert Soboleski, Bureau Chief.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. S. Hose', written in a cursive style.

William S. Hose, Assistant Director
Remediation Review Element

Enclosure

c: Municipal Clerk, Jersey City
rbyrne@jcnj.org

Jersey City Division of Health
smithv@jcnj.org

Hudson County Register
lsenerchia@hcnj.us

Hudson County Regional Health Commission
cawrocki@hudsonregionalhealth.org

Dennis Nagg
Dennis.nagg@woodplc.com

New Jersey Department of Environmental Protection



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

SOIL REMEDIAL ACTION PERMIT
Deed Notice with Engineering Control

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

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

Site: Study Area SA-6 North Deferred Area
A/K/A: HUDSON COUNTY CHROMATE 87

<u>Facility Address:</u> 555 & 575 Route 440 Jersey City, NJ 07305 Hudson County Block: 21901 Lot: 4	<u>Program Interest#:</u> G000008710 <u>Permit#:</u> RAP180005
<u>Person Responsible for Conducting the Remediation - Co-Permittee:</u> William Hague, Director Remediation Design and Construction HONEYWELL INTERNATIONAL INC 115 Tabor Road Morris Plains, NJ 07950 Phone: (973) 455-2175 Email: william.hague@honeywell.com	
<u>Property Owner - Co-Permittee:</u> Same as above	

Issuance Date:
07/02/2018

Effective Date:
07/09/2018

I. Authority

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

II. Permit Requirements

A. MONITORING REQUIREMENTS

1. The permittee shall retain a LSRP for the Soil Remedial Action Permit until the remedial action is no longer needed to protect the public health and safety and the environment, and until all unrestricted use remediation standards are met. The LSRP must be retained to operate, maintain, and monitor the institutional and/or engineering controls at the site, to ensure that the remedial action remains protective of public health and safety and the environment, and to ensure compliance with the requirements of the Soil Remedial Action Permit. This includes but is not limited to site inspections, biennial submission of a Soil Remedial Action Protectiveness/Biennial Certification Form and Report, responding to any activities involving the institutional and/or engineering controls at the site, and responding to any public inquiries regarding the current status of the site. [N.J.A.C. 7:26C- 2.3(a and b)]
2. The permittee shall conduct monitoring and maintenance pursuant to Exhibit C of the attached Deed Notice. [N.J.A.C. 7:26C- 7.8(a)2]
3. The permittee shall conduct periodic inspections of each engineering control to determine its integrity, operability, and effectiveness. [N.J.A.C. 7:26C- 7.8(b)2]
4. The permittee shall conduct periodic inspections of any excavations or disturbances that have resulted in unacceptable exposure to the soil contamination. The permittee shall maintain a detailed maintenance and evaluation log. [N.J.A.C. 7:26C- 7.8(b)]

B. REMEDIAL ACTION PROTECTIVENESS/BIENNIAL CERTIFICATION FORM

1. Reporting Requirements

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

2. Evaluation Requirements

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

plement appropriate remedial action to ensure that the engineering/institutional controls are protective of the public health and safety and the environment. [N.J.A.C. 7:26C- 7.8(b)1]

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

C. FINANCIAL ASSURANCE REQUIREMENTS

1. Reporting Requirements - Letter of Credit

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

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

2. Financial Assurance - Maintenance

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

D. FEES

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

E. PERMIT TRANSFERS

1. The permittee shall, at least 60 days prior to the sale or transfer of the property, or transfer of the operation of the property, or termination of a lease, submit a Remedial Action Permit Transfer/Change of Ownership Application and pay the permit transfer fee to the Department. [N.J.A.C. 7:26C- 7.11(b)]

F. PERMIT MODIFICATIONS

1. Soil Permit Modifications

a. The permittee shall apply to have the Department modify a Remedial Action Permit within 30 days after a statement that the permittee has completed a protectiveness evaluation required in its permit and has determined that the remedial action is not adequately protective

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

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

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

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

G. PERMIT TERMINATIONS

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

H. FORM SUBMITTAL

1. Any forms, applications or documents required by this chapter that can be submitted in an electronic format shall be submitted electronically 90 days after the date that the Department informs the public in the New Jersey Register that the relevant electronic application is functional. [N.J.A.C. 7:26C- 1.6(c)]
2. All submissions required pursuant to this permit shall be made on forms approved and available from the Department. These forms and instructions for completing these forms can be found at <http://www.nj.gov/dep/srp/srra/forms>. [N.J.A.C. 7:26C- 1.6]

I. RESTRICTED LAND USES

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

III. Permit Schedule

Permit Effective Date: 07/09/2018	
Submission Requirement	Due Date
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2020
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2022
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2024
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2026
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2028
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2030

Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2032
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2034
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2036
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2038
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2040
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2042
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2044
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2046
Submit a Remedial Action Protectiveness/Biennial Certification Form	07/09/2048

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

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

Sincerely,



Date: July 2, 2018

William S. Hose, Assistant Director
Remediation Review Element

IV. Attachments:

A. Deed Notice

Deed Notice ID: DER1438537
 Filed Deed Notice in the Hudson County Clerk's Office
 Book Number the Deed Notice is filed in: 9265
 Page Numbers: 148-265
 Date Filed: 12/14/2017

<p>Hudson County Recording Data Page Honorable Diane Coleman Hudson County Clerk</p> 	<p><i>Official Use Only – Barcode</i></p>  <p>20171214010145840 1/117 12/14/2017 12:50:04 PM DEED Bk: 9265 Pg: 148</p>
<p><i>Official Use Only – Record & Return</i></p>	<p><i>Office</i> Diane Coleman Hudson County, Register of Deeds Receipt No. 1312716</p>
<p>Date of Document: November 29, 2017</p>	<p>Type of Document: Deed Notice</p>
<p>First Party Name: Bayfront Redevelopment, LLC</p>	<p>Second Party Name:</p>
<p>Additional Parties:</p>	

<p align="center">THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY</p>	
<p>Block:</p>	<p>Lot:</p>
<p>Municipality:</p>	
<p>Consideration:</p>	
<p>Mailing Address of Grantee:</p>	

<p align="center">THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY</p>	
<p>Original Book:</p>	<p>Original Page:</p>

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

117 pgs Ac

DEED NOTICE

IN ACCORDANCE WITH N.J.S.A. 58:10B-13, THIS DOCUMENT IS TO BE RECORDED IN THE SAME MANNER AS ARE DEEDS AND OTHER INTERESTS IN REAL PROPERTY.

Prepared by: 

[Signature]

Global Director - Remediation Design & Construction

[Bayfront Redevelopment, LLC]

Recorded by:

[Signature, Officer of County Recording Office]

[Print name below signature]

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

This Deed Notice is made as of the 29th day of November, 2017, by *Bayfront Redevelopment LLC*, whose post office address is *115 Tabor Road, Morris Plains, New Jersey 07950*. "Owner" shall mean Bayfront Redevelopment, LLC together with its successors and assigns, including all successors in interest in the Property which is the subject of this Deed Notice as described fully below. Block 21901 Lot 5 is currently owned by Bayfront Redevelopment, LLC. The "Property" (also referenced herein as the "Deferred Area" or the "Restricted Area(s)") shall consist of those lands particularly described by metes and bounds in Exhibit A-2 attached hereto.

1. THE PROPERTY. Bayfront Redevelopment, LLC is the current owner in fee simple of certain real property designated the Deferred Area as portions of **Block 21901, Lot 4 on the tax map of the City of Jersey City, Hudson County, New Jersey**¹. The New Jersey Department of Environmental Protection (NJDEP) Program Interest Number for the contaminated site which includes this property is **Hudson County Chromate Site No. 087 Program Interest ("PI") # G000008710** (NJDEP PI# for non-chromium-related contaminants at the Property is #745719). The Property is part of Site 087 pursuant to the Consent Decree Regarding Remediation and Redevelopment of

¹ All references to Block 21901 Lot 4 in this Deed Notice shall mean the applicable portions of Block 21901 Lot 4 as shown in the metes and bounds description, regardless of whether the word "portion(s)" is specifically called out or not.

Study Area 6 North ("Consent Decree") which is attached hereto as Appendix I and is entered as an order of the Court in the following consolidated actions *JCMUA v. Honeywell International, Inc.*, D.N.J., Civ. No. 05-05955; *JCIA v. Honeywell International, Inc.*, D.N.J., Civ. No. 05-5993; and *Hackensack Riverkeeper, Inc. v. Honeywell International, Inc.*, D.N.J., Civ. No. 06-22 (consolidated under Civ. No. 95-2097).

2. REMEDIATION.

i. The Department's Bureau of State Case Management (BCM) is the entity within the Department that is responsible for the oversight of the remediation of the SA-6 North. The matter was Case No. Hudson County Chromate Site No. 087 PI# G000008710. The Department has approved this Deed Notice as an institutional control for the Property, which is part of the remediation of the Property.

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

3. SOIL AND GROUNDWATER CONTAMINATION. Honeywell, a corporation of the State of Delaware, licensed to do business in the State of New Jersey whose post office address is 115 Tabor Road, Morris Plains, New Jersey 07950, has remediated SA-6 North to address chromium-related soil and shallow groundwater contamination, except for the Property and certain other deed noticed areas where engineering controls were implemented. The Remedial Action Work Plan ("RAWP") was approved by the Department on February 19, 2009 for Hudson County Chromate Site Nos. 087 and 088, which included the Property. Remedial actions were further approved pursuant to the Consent Decree.

Under both the Consent Decree and the RAWP soil contamination remains in the Property which contains contaminants in concentrations that do not allow for the unrestricted use of the Property. A Remedial Action Report ("RAR") for SA-6 North was submitted to the Department on March 16, 2017. The Department approved the RAR on June 1, 2017. A Construction Completion Report ("CCR") for SA-6 North to document the implementation of the Chromium Remedy pursuant to Article III of the Consent Decree (the "Chromium Remedy") to address chromium-impacted soil and groundwater for SA-6 North was entered by the Court on December 5, 2017, Docket No. 1528.

The Property consists of two small areas on SA-6 North adjacent to the Route 440 Right-Of-Way ("ROW") where the Public Service Electric & Gas ("PSE&G") gas main is located north and east of the SA-6 North Open Space Area. The Property is comprised of two tracts of land; Tract 1 is near Culver Circle at the Route 440 ROW and Tract 2 is further south along the Route 440 ROW closer to the SA-6 North Open Space Area. Tract 1 is an approximately 1,408 square foot area. Tract 2 is an approximately 971 square foot area. Both tracts include chromium only. Excavations in this part of SA-6 North were limited in these areas by the PSE&G gas main and will be deferred until after the Route 440 ROW widening project. Thus, these areas are termed "Deferred Areas." This deed notice is for both Tracts 1 and 2 together. Once the remediation of these areas is completed consistent with Article III of the Consent Decree, Honeywell will terminate this Deed

Notice pursuant to Paragraph 13 below. In the meantime, the provisions of the Long Term Monitoring Plan ("LTMP"), developed pursuant to the Consent Decree, will apply to the Property.

It is not anticipated that implementation of the Bayfront I Redevelopment Plan will impact the Property. Because this area is so narrow, is proximate to the Route 440 ROW, and the gas main is located within the area, remediation of the Property will need to be deferred until the gas main is relocated.

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

4. CONSIDERATION. In accordance with the Department's approval of the chromium RAWP for the remediation of Hudson County Chromate Site Nos. 087 and 088 which includes the Property, and in consideration of the terms and conditions of that approval, and in accordance with the Consent Decree, and other good and valuable considerations, Owner has agreed to subject the Property to certain statutory and regulatory requirements which impose restrictions upon the use of the Property, to restrict certain uses of the Property, and to provide notice to subsequent owners, lessees and operators of the restrictions and the monitoring, maintenance, and biennial certification requirements outlined in this Deed Notice and required by law, as set forth herein.

5A. RESTRICTED AREAS. Due to the presence of contamination remaining at concentrations that do not allow for unrestricted use, Owner has agreed, as part of the remedial action for the Property, to restrict the use of the Property (the "Restricted Areas"); a narrative description of these restrictions, along with the associated monitoring and maintenance activities and the biennial certification requirements are provided in Exhibit C, which is attached hereto and made a part hereof. Owner will develop a binder containing a list of these restrictions which will be maintained at either the onsite trailers or within the Groundwater Treatment Plant building, available for review and inspection by governmental enforcement officials if requested.

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

i. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(10), prohibits the conversion of a contaminated site, remediated to non-residential soil remediation standards that require the maintenance of engineering or institutional controls, to a child care facility, or public, private, or charter school without the Department's prior written approval, unless a presumptive remedy is implemented;

ii. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(12), prohibits the conversion of a landfill, with gas venting systems and or leachate collection systems, to a single-family residence or a child care facility without the Department's prior written approval; and

iii. The Consent Decree, paragraph 53, prohibits the unrestricted use of the Property until the Chromium Remedy set forth in Article III of the Consent Decree is implemented and the concentration of hexavalent chromium in soil is less than 20 mg/kg to a depth of 20 feet below ground surface.

5C. ENGINEERING CONTROLS. Due to the presence and concentration of these contaminants, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls within the Property. The engineering controls include a cap consisting of 1 foot of clean soil at the northern-most restricted area and a cap consisting of a geotextile demarcation fabric overlain by 6-inches of gravel at the southern-most restricted area. A narrative description of these engineering controls, along with the associated monitoring and maintenance activities and the biennial certification requirements are provided in Exhibit C. Honeywell shall be responsible for monitoring and maintenance of engineering controls and biennial certification requirements as specified in the Consent Decree, the LTMP, and Paragraphs 8A and 8B herein.

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

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

6A. CHANGE IN OWNERSHIP AND REZONING.

i. The Owner and the subsequent owners and lessees, shall cause all leases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.

ii. The Owner and the subsequent owners shall provide written notice to the Department of Environmental Protection on a form provided by the Department and available at www.nj.gov/srp/forms within thirty (30) calendar days after the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Restricted Area.

iii. The Owner and the subsequent owners shall provide written notice to the Department, on a form available from the Department at www.nj.gov/srp/forms, within thirty (30) calendar days after the owner's petition for or filing of any document initiating a rezoning of the Property to residential.

6B. SUCCESSORS AND ASSIGNS. This Deed Notice shall be binding upon Owner and upon Owner's successors and assigns, and subsequent owners, lessees, and operators while each is an owner, lessee, or operator of the Property.

7A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. The Owner and all subsequent owners and lessees shall notify any person of whom it has knowledge, including, without limitation, tenants, employees of tenants, developers, and contractors, intending to conduct invasive work or excavate within the Property, of the nature and location of known contamination in the Property, and, of the precautions necessary to protect the engineering controls and minimize potential human exposure to contaminants.

ii. Except as provided in the Consent Decree and Paragraph 7B below, no person shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Property which disturbs any engineering control at the Property except as (a) permitted in the Consent Decree and (b) without first obtaining a Soil Remedial Action Permit modification from the Department. Nothing herein shall constitute a waiver of the obligation of any person to comply with all applicable laws and regulations including, without limitation, the applicable rules of the Occupational Safety and Health Administration.

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

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

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

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

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

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

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

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

7B. EMERGENCIES. In the event of an emergency which presents, or may present, an unacceptable risk to the public health and safety, or to the environment, or immediate environmental concern, see N.J.S.A. 58:10C-2, any person may temporarily breach an engineering control provided that:

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

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

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

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

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

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

vii. Honeywell restores the engineering control to the pre-emergency conditions, consistent with the requirements of the Consent Decree and LTMP, as soon as possible, and submits a written report to the Department of Environmental Protection of such emergency and restoration efforts within sixty (60) calendar days after completion of the restoration of the engineering control. The report must include all information pertinent to the emergency, potential discharges of contaminants, and restoration measures that were implemented, which, at a minimum, should specify: (a) the nature and likely cause of the emergency, (b) the potential discharges of or exposures to contaminants, if any, that may have occurred, (c) the measures that have been taken to mitigate the effects of the emergency on human health and the environment, (d) the measures completed or implemented to restore the engineering control, and (e) the changes to the engineering control or site operation and maintenance plan to prevent recurrence of such conditions in the future. Honeywell shall submit the report to:

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

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

i. Monitoring and maintaining this Deed Notice according to the requirements in Article III of the Consent Decree and Exhibit C herein, to ensure that the remedial action that includes the Deed Notice continues to be protective of the public health and safety and of the environment, pursuant to Paragraph 8B below; and

ii. Conducting any additional remedial investigations and implementing any additional remedial actions, that are necessary to correct, mitigate, or abate each problem related to the protectiveness of the remedial action for the Property prior to the date that the certification is due to the Department pursuant to iii, below, so that the remedial action that includes this Deed Notice remains protective of the public health and safety and of the environment, pursuant to Paragraph 8B below; and

iii. Certifying to the Department of Environmental Protection the continued protectiveness of the remedial action that includes this Deed Notice, on a form provided by the Department and consistent with N.J.A.C. 7:26C-1.2 (a)1, every two years on the anniversary of the date stamped on the Deed Notice that indicates when the Deed Notice was recorded, pursuant to Paragraph 8B below.

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

i. Monitoring and maintaining each engineering control according to the requirements in Article III of the Consent Decree, the LTMP, and Exhibit C herein, so that the remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment; and

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

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

9. ACCESS. The Owner, subsequent owners, lessees, and operators, agree to allow the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this Deed Notice and to conduct additional remediation to ensure the protection of the public health and safety and of the environment if the persons responsible for monitoring the protectiveness of the remedial action, as described in Paragraph 8, above, fail to conduct such remediation pursuant to this Deed Notice as required by law. The Owner, and the subsequent owners and lessees, shall also cause all leases, subleases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring that all holders thereof provide such access to the Department.

10. NOTICES.

i. Owner shall cause all leases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.

ii. Honeywell or the Owner shall notify any person intending to conduct invasive work or excavate within the Property of the nature and location of contamination and, of the precautions necessary to minimize potential human exposure, and exposure of the environment outside the containment of the engineering controls, to contaminants.

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

iv. Owner shall provide written notice to the Department within thirty (30) calendar days following the Owner's receiving notice of any petition for a rezoning of the Property. Any such rezoning must be consistent with the terms of the Consent Decree. The Owner shall submit the written notice to:

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

11. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, nor to create a lien against the Property, but merely is intended to provide notice of certain conditions and restrictions on the Property and to reflect the regulatory and statutory obligations imposed as a conditional remedial action for this Property.

ii. The restrictions provided herein may be enforceable by the Department against any person who violates this Deed Notice. To enforce violations of this Deed Notice, the Department may initiate one or more enforcement actions pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C, and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C.

iii. This Deed Notice is also enforceable in the United States District Court for the District of New Jersey by all residents, owners, lessees, and all commercial tenants on Study Areas 6 and 7 pursuant to paragraphs 66 and 69 of the Consent Decree.

12. SEVERABILITY. If any court of competent jurisdiction determines that any provision of this Deed Notice requires modification, such provision shall be deemed to have been modified automatically to conform to such requirements. If a court of competent jurisdiction determines that any provision of this Deed Notice is invalid or unenforceable and the provision is of such a nature that it cannot be modified, the provision shall be deemed deleted from this instrument as if the provision had never been included herein. In either case, the remaining provisions of this Deed Notice shall remain in full force and effect.

13. MODIFICATION AND TERMINATION.

i. Any person may request in writing, at any time, that the Department modify this Deed Notice where performance of subsequent remedial actions, a change of conditions at the Property, or the adoption of revised remediation standards suggest that modification of the Deed Notice would be appropriate, provided that any such modification is consistent with the requirements of the Consent Decree.

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

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

iv. If the United States District Court for the District of New Jersey and NJDEP have concluded that this Deed Notice shall be modified or terminated, such modification or termination will only be effective upon the filing of a Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the office of the Register of Deeds of Hudson County, New Jersey, expressly modifying or terminating this Deed Notice.

v. Within thirty (30) calendar days after the filing of a Termination of Deed Notice, the owner of the Property shall apply to the Department for modification or termination of the Soil Remedial Action Permit pursuant to N.J.A.C. 7:26C-7.

vi. This Deed Notice may be modified only if it has first been terminated pursuant to subparagraphs 13v above, and upon filing of a modified Deed Notice, executed by the Owner of the Property, in the office of the Register of Deeds of Hudson County, New Jersey.

14A. EXHIBIT A. Exhibit A includes the following maps of the Property and the vicinity:

i. Exhibit A-1: Vicinity Map - A map that identifies by name the roads, and other important geographical features in the vicinity of the Property;

ii. Exhibit A-2: Metes and Bounds Description - A metes and bounds description of the Property, including reference to tax lot and block numbers for the Property and a Tax Map;

iii. Exhibit A-3: Property Map - A scaled map of the Property, scaled at one inch to 200 feet or less, and if more than one map is submitted, the maps shall be presented as overlays, keyed to a base map; the map(s) shall include diagrams of major surface topographical features such as buildings, roads, and parking lots. Unless this Deed Notice has been terminated pursuant to Paragraph 13, after development of the Property, this Deed Notice shall be modified to show topographical features constructed on the Property such as buildings, roads, and parking lots.

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

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

(A) As-built diagrams of each engineering control, including caps, fences, hydraulic barrier walls, ground water monitoring wells, and ground water pumping system including trenches and pumps;

(B) As-built diagrams of any buildings, roads, parking lots, utility corridors, and other structures that function as engineering controls; and

(C) Designation of all soil and/or sediment sample locations within the restricted areas that exceed any soil or sediment standard that are keyed into one of the tables described below.

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

(A) Sample location designation from Restricted Area maps (Exhibit B-1);

(B) Sample elevation based upon mean sea level;

(C) Name and chemical abstract service registry number of each contaminant with a concentration that exceeds the unrestricted use standard;

(D) The restricted and unrestricted use standards for each contaminant in the table; and

(E) The remaining concentration of each contaminant at each sample location at each elevation (or if historic fill, include data from the Department's default concentrations at N.J.A.C. 7:26E-4.6, Table 4-2).

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

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

(A) General Description of the Institutional Control:

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

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

- (1) Any disturbances of the soil in the Restricted Areas resulted in the unacceptable exposure to the soil contamination;
- (2) There have been any land use changes subsequent to the filing of this Deed Notice and the other Institutional Controls or the most recent biennial certification, whichever is more recent;
- (3) The current land use on the Property is consistent with the restrictions in this Deed Notice and the other Institutional Controls;
- (4) Any newly promulgated or modified requirements of applicable regulations or laws apply to the Property; and

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

- (C) Description of the following items that will be included in the biennial certification:
- (1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice and the other Institutional Controls;
 - (2) Land use at the Property is consistent with the restrictions in this Deed Notice and the other Institutional Controls; and
 - (3) The remedial action that includes this Deed Notice and the other Institutional Controls continues to be protective of the public health and safety and of the environment.

ii. Exhibit C-2. Exhibit C-2: Engineering Controls:

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

- (A) General Description of the engineering control:
- (1) Description of the engineering control;
 - (2) The objective of the engineering control; and
 - (3) How the engineering control is intended to function.
- (B) Description of the operation and maintenance necessary to ensure that:
- (1) Periodic inspections of each engineering control are performed in order to determine its integrity, operability, and effectiveness;
 - (2) Each engineering control continues as designed and intended to protect the public health and safety and the environment;
 - (3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;
 - (4) The engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;
 - (5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of the engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/performance of the engineering control; and
 - (6) Any new standards, regulations, or laws apply to the Property that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling; and

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

15. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

ATTEST:

BAYFRONT REDEVELOPMENT, LLC

Stephanie Frank
Print name: Stephanie Frank

By William J. Hague
William J. Hague
Global Director-Remediation
Design & Construction

STATE OF NEW JERSEY)
)SS.:
COUNTY OF Morris)

I CERTIFY that on November 29, 2017, William J. Hague, personally appeared before me and that this person acknowledged under oath, to my satisfaction, that:

(a) this person is the Global Director-Remediation Design & Construction, an authorized representative of Bayfront Redevelopment, LLC, the limited liability company named in the attached document;

(b) this person executed and delivered the attached document as the voluntary act and deed of the limited liability company; and

(c) this person was authorized by the members of the limited liability company to execute and deliver the attached document on behalf of the limited liability company.

Sworn to and subscribed before me on this 29th day of November, 2017.

Cheryl Lynn Toles
Notary Public



EXHIBIT A
Deed Notice #9 SA-6 North Deferred Area (Former Trenk Property)

A-1 Vicinity Map

A-2 Metes and Bounds Description and Tax Map

A-3 Property Map Portions of Block 21901, Lot 4, City of Jersey City, New Jersey

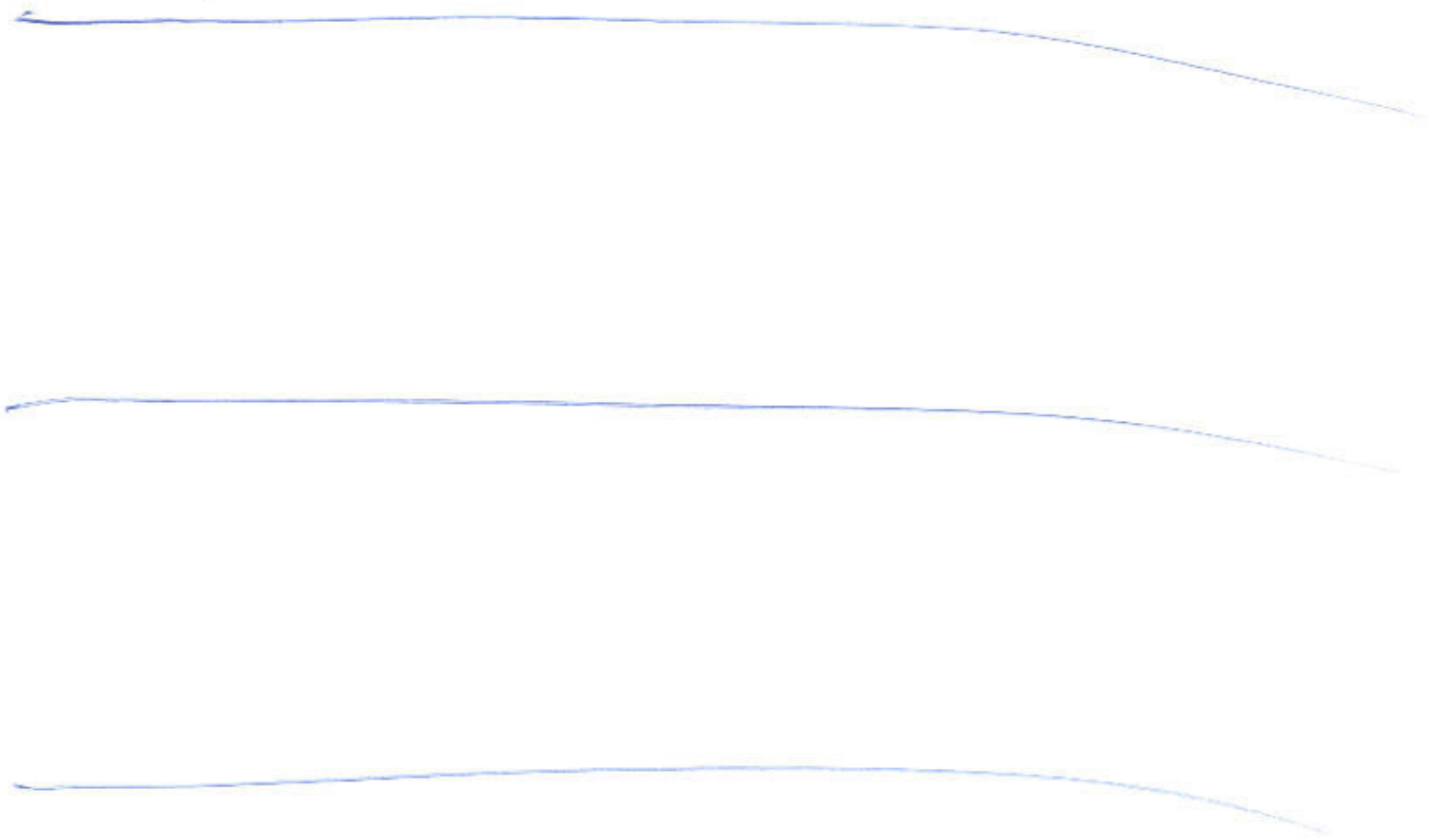
Exhibit A-1 Vicinity Map consists of a road map for the vicinity of the Property.

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

Exhibit A-3 Property Map consists of a figure indicating major surface features and engineering control for the Property. Unless this Deed Notice has been terminated pursuant to Paragraph 13, after development of this Property, this Deed Notice shall be modified to show topographical features constructed on the Property such as buildings, roads, and parking lots.

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

EXHIBIT A-1
SITE VICINITY MAP
PORTIONS OF STUDY AREA 6 NORTH SITE 087
JERSEY CITY, NEW JERSEY



COMPASSION AND MAY NOT BE COPIED OR REPRODUCED, AND (3) THIS DOCUMENT MAY ONLY BE USED BY THE CLIENT AND FOR THE EXPRESS PURPOSES FOR WHICH IT WAS PREPARED. ANY OTHER USE OR REPRODUCTION OF THIS DOCUMENT WITHOUT THE WRITTEN CONSENT OF AMEC FOSTER WHEELER IS STRICTLY PROHIBITED.

PROJECT: 3480150450 - NEWARK BAY REACH; DRAWING: 3480150487-6100-A109-0000; DATE: 12/15/16; SHEET: 1 OF 1



SOURCE: USGS QUADRANGLE MAP 7.5 MIN SERIES
JERSEY CITY, NJ-NY 1957, PHOTO REVISED 1981



RESTRICTED AREA



SCALE IN FEET

Amec Foster Wheeler PROJECT No. 3480150450
DRAWING: 3480150487-6100-A109-0000

PREPARED/DATE: STR 12/15/16	CHECKED/DATE: NW 01/31/17
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amec foster wheeler
ENVIRONMENT & INFRASTRUCTURE, Inc.
200 AMERICAN METRO BLVD. SUITE 113
HAMILTON, NEW JERSEY 08616

EXHIBIT A-1
VICINITY MAP
BLOCK 21901 LOT 4
SA-5 NORTH
JERSEY CITY, NEW JERSEY
DEED NOTICE #9

Exhibit A-2
Deed Notice #9 SA-6 North Deferred Area (Former Trenk Property)

Metes and Bounds Description of Property: See Attached

A-2 Metes and Bounds Description of Property Portions of Block 21901, Lot 4
City of Jersey City, New Jersey

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

The Property is identified as portions of Block 21901, Lot 4 on the City of Jersey City tax maps, the Property being presently owned by Bayfront Redevelopment, LLC. A copy of the current tax map which includes the Property is attached as Exhibit A-2.



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

331 Newman Springs Road
Suite 203
Red Bank, NJ 07701
Tel: 732-383-1950 • Fax: 732-383-1984

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

**DEED NOTICE AREA 9
BLOCK 21901, LOT 4
MAY 18, 2016
REVISED OCTOBER 13, 2016
Page 1 of 2**

All those certain lots, tracts or parcels of land situate lying and being in the City of Jersey, in the County of Hudson and State of New Jersey, and being a portion of Lot 4 in Block 21901, designated as Deed Notice Area 9 as shown on an exhibit entitled, "Deed Notice Area 9, SA6 North, Block 21901, Lot 4, City of Jersey City, Hudson County, New Jersey," prepared by Maser Consulting P.A., dated May 12, 2016, last revised October 7, 2016 and being more particularly bounded and described as follows, to wit:

TRACT I

COMMENCING at the intersection of the westerly line of New Jersey State Highway Route 440 (112 foot wide right of way), with the northeasterly corner of Lot 4 in Block 21901, lands now or formerly of Paul Trenk; thence –

A) **S 24° 46' 55" W, 22.21 feet** along said westerly line to the True Point of **BEGINNING**, as shown on the aforesaid exhibit and running; thence –

1. Along said westerly line of Route 440, **S 24° 46' 55" W, 137.98 feet**; thence –

Running through a portion of Lot 4 in Block 21601, the following four (4) courses:

2. **N 39° 23' 38" W, 11.11 feet**; thence –

3. **N 24° 46' 55" E, 138.43 feet**; thence –

4. **N 84° 58' 58" E, 5.43 feet**; thence –

5. **S 08° 44' 20" E, 9.57 feet**, to the Point and Place of **BEGINNING**.

CONTAINING: 1,408 S.F. of land more or less or 0.032 acre of land more or less.

TRACT II

BEGINNING at the intersection of the westerly line of New Jersey State Highway Route 440 (112 foot wide right of way), with the southeasterly corner of Lot 4 in Block 21901, lands now or formerly of Paul Trenk and running; thence –

1. Along the southerly line of Lot 4 in Block 21901, **N 49° 08' 25" W, 15.61 feet**; thence –



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

DEED NOTICE AREA 9
BLOCK 24601, LOT 4
APRIL 6, 2016
REVISED OCTOBER 13, 2016
PAGE 2 OF 2

Running through a portion of said Lot 4 in Block 21601, the following four (4) courses:

2. N 24° 46' 55" E, 67.80 feet; thence –
3. S 18° 52' 12" E, 8.39 feet; thence –
4. S 59° 15' 07" E, 9.26 feet, to the aforesaid westerly line of New Jersey State Highway Route 440; thence –
6. Along said westerly line of Route 440, S 24° 46' 55" W, 65.09 feet, to the Point and Place of **BEGINNING**.

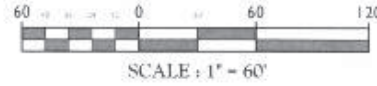
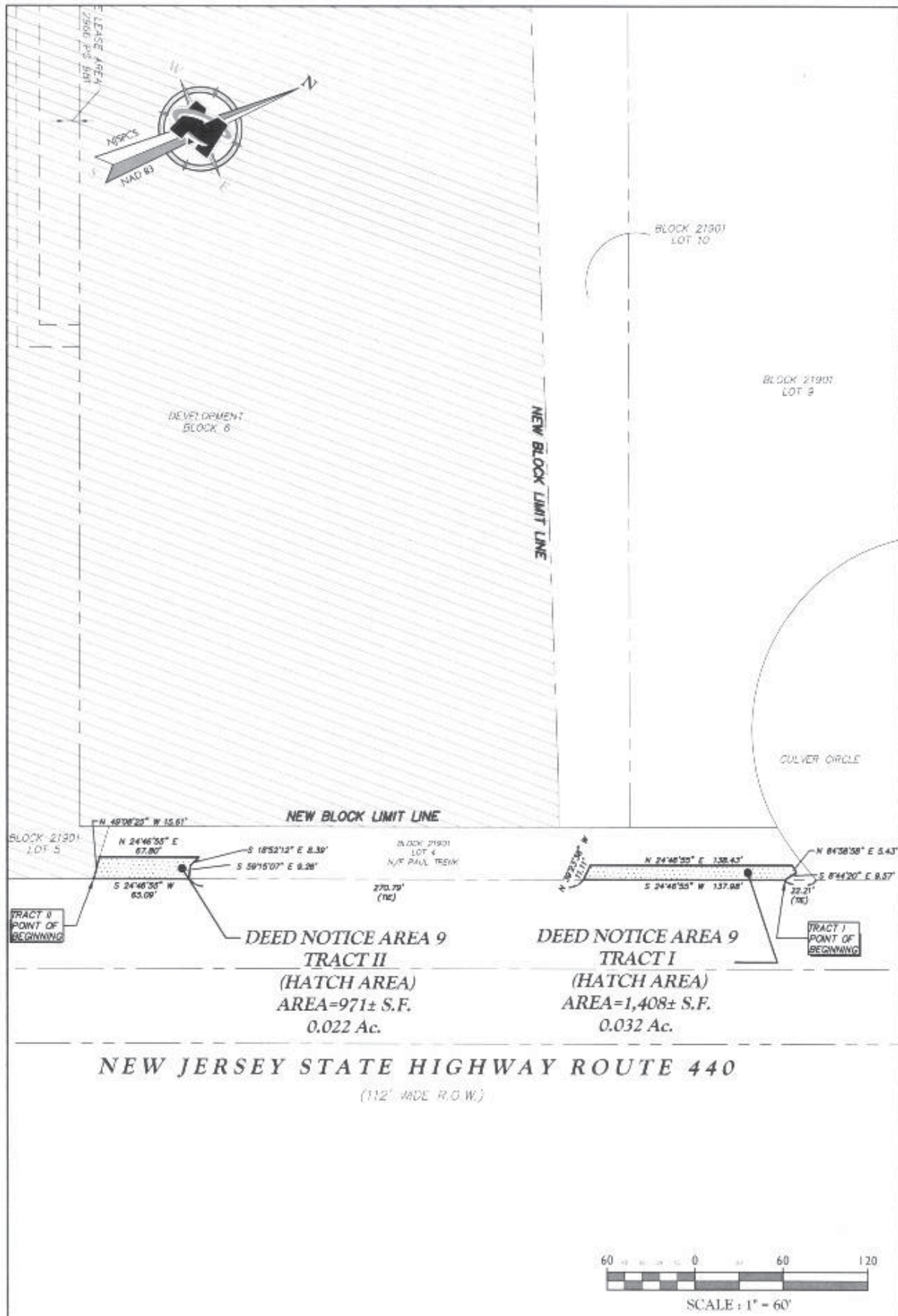
CONTAINING: 971 S.F. of land more or less or 0.022 acre of land more or less.



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

10/13/16
DATE SIGNED

\\HQFAS1\General\Projects\2010\10000292R\Survey\Description\Meres & Bounds-Deed Notice 9 - REV.docx



MASER
 CONSULTING & ENGINEERING, INC.

Customer Utility Design Capabilities

- Water
- Sewer
- Gas
- Electric
- Telephone
- Cable

Other Services:

- Site Plan
- Grading
- Structural
- Foundation
- Site Investigation
- Site Preparation
- Site Construction
- Site Maintenance

Regional Offices:

- Atlanta, GA
- Charlotte, NC
- Dallas, TX
- Denver, CO
- Fort Worth, TX
- Houston, TX
- Kansas City, MO
- Los Angeles, CA
- Memphis, TN
- Minneapolis, MN
- New York, NY
- Orlando, FL
- Philadelphia, PA
- Pittsburgh, PA
- Raleigh, NC
- San Antonio, TX
- San Diego, CA
- Seattle, WA
- St. Louis, MO
- Washington, DC

REV.	DATE	BY	DESCRIPTION
1	10/11/14	EAC	ADD POSITION FROM DEED TO DATE AS REQUIRED
2	11/11/17	EAC	REVISED BLOCK 8

DEED NOTICE AREA 9
 560 NORTH
 BLOCK 21901
 LOT 4
 CITY OF JERSEY CITY
 HUDSON COUNTY
 NEW JERSEY

811
 PROTECT YOURSELF
 CALL BEFORE YOU DIG
 1-800-4-A-SHIELD

DEED NOTICE EXHIBIT

DATE: 11/11/17
 SHEET: 1 OF 1
 DRAWN BY: EAC
 CHECKED BY: EAC

PROJECT: 17-0001-0001
 17-0001-0001-0001
 17-0001-0001-0001

HACKENSACK RIVER



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

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

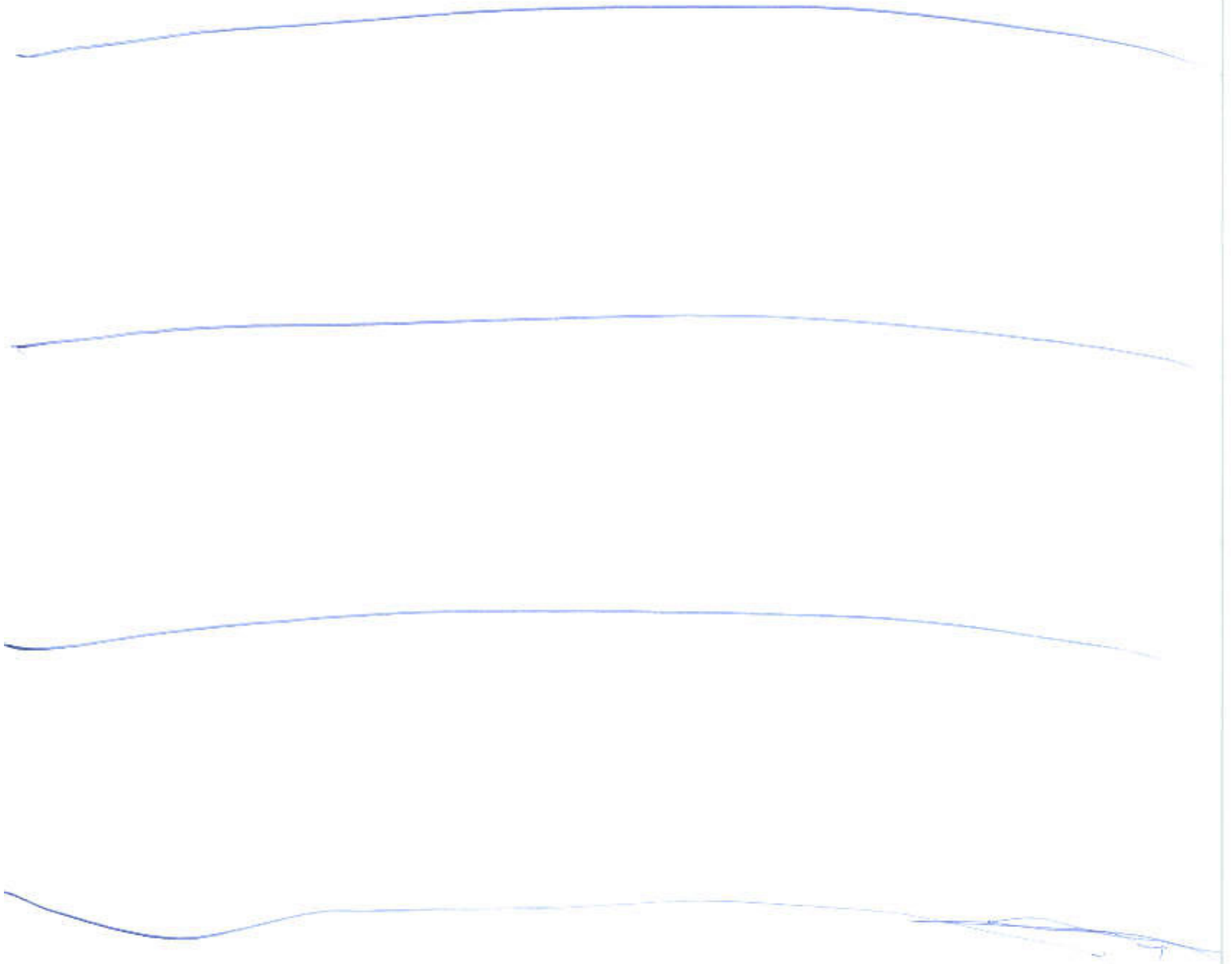


4meo Foster Wheeler PROJECT No. 3480150450	
DRAWING 3480150457-6100-4209-0002	
PREPARED/DATE: STR. 05/07/16	CHECKED/DATE: NW 01/31/17

amec foster wheeler 
 ENVIRONMENT & INFRASTRUCTURE, INC.
 ONE AMERICAN METRO BLVD. SUITE 1100
 HAMILTON NEW JERSEY 08610



EXHIBIT A-2
TAX MAP
BLOCK 21901, LOT 4
SA-6 NORTH
JERSEY CITY, NEW JERSEY
DEED NOTICE #9

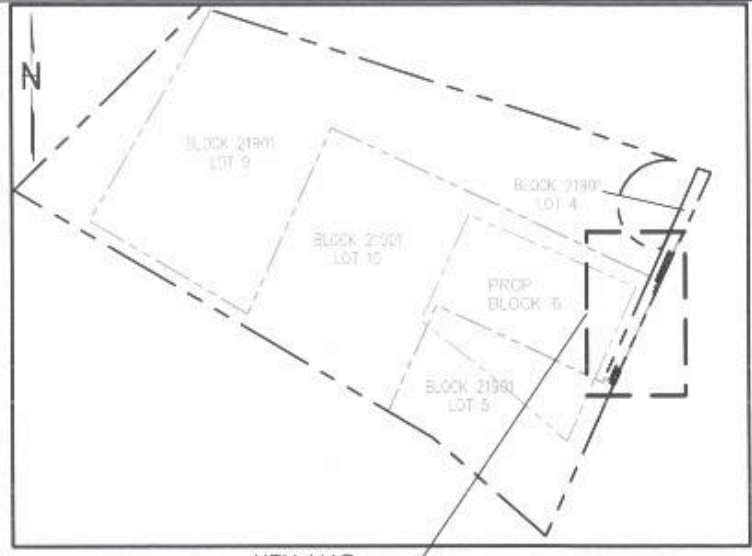
**Exhibit A-3
Property Map**



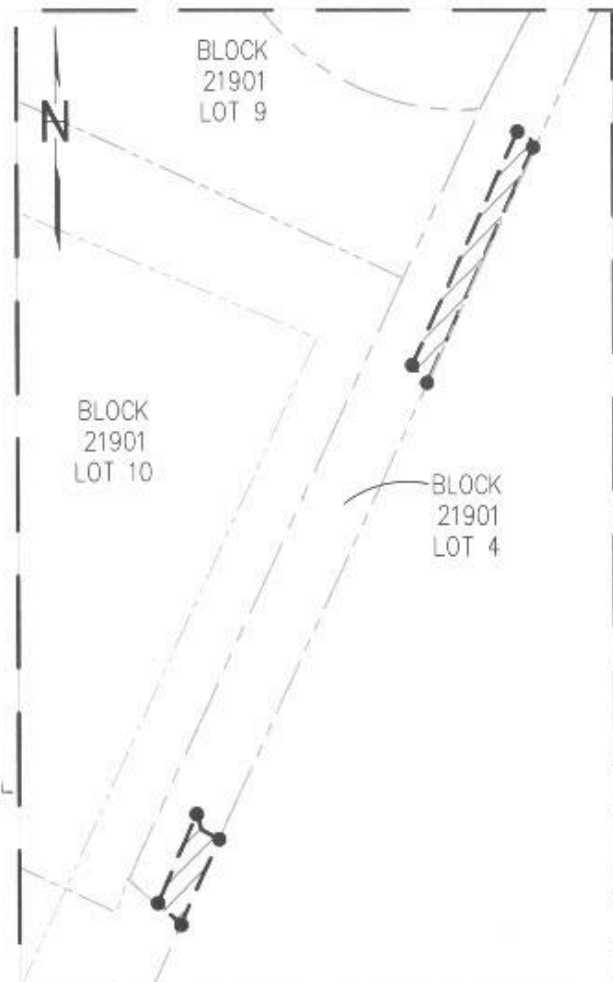
UNLESS OTHERWISE SPECIFIED, ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. (1) THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFICIAL RECORD. (2) THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. (3) THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. (4) THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

LEGEND

-  PROPERTY BOUNDARY
-  RESTRICTED AREA



KEY MAP
SCALE: 1" = 600'



SOURCE REFERENCE:

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

DATUM:
HORIZONTAL DATUM: NAD83
VERTICAL DATUM: NGVD29

Amec Foster Wheeler PROJECT No. 3480150487
DRAWING: 3480150487-6100-A309-0000

PREPARED/DATE: STR 12/15/16	CHECKED/DATE: NW 01/31/17
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amec foster wheeler 
ENVIRONMENT & INFRASTRUCTURE, Inc.
300 AMERICAN METRO BLVD, SUITE 112
LAWRENCE, NEW JERSEY 08648



EXHIBIT A-3
PROPERTY AREA MAP
BLOCK 21901, LOT 4
SA-6 NORTH
JERSEY CITY, NEW JERSEY
DEED NOTICE #9

EXHIBIT B
Deed Notice #9 SA-6 North Deferred Area (Former Trenk Property)

B-1 Restricted Area Maps
B-2 Restricted Area Data Table
Portions of Block 21901, Lot 4
City of Jersey City, New Jersey

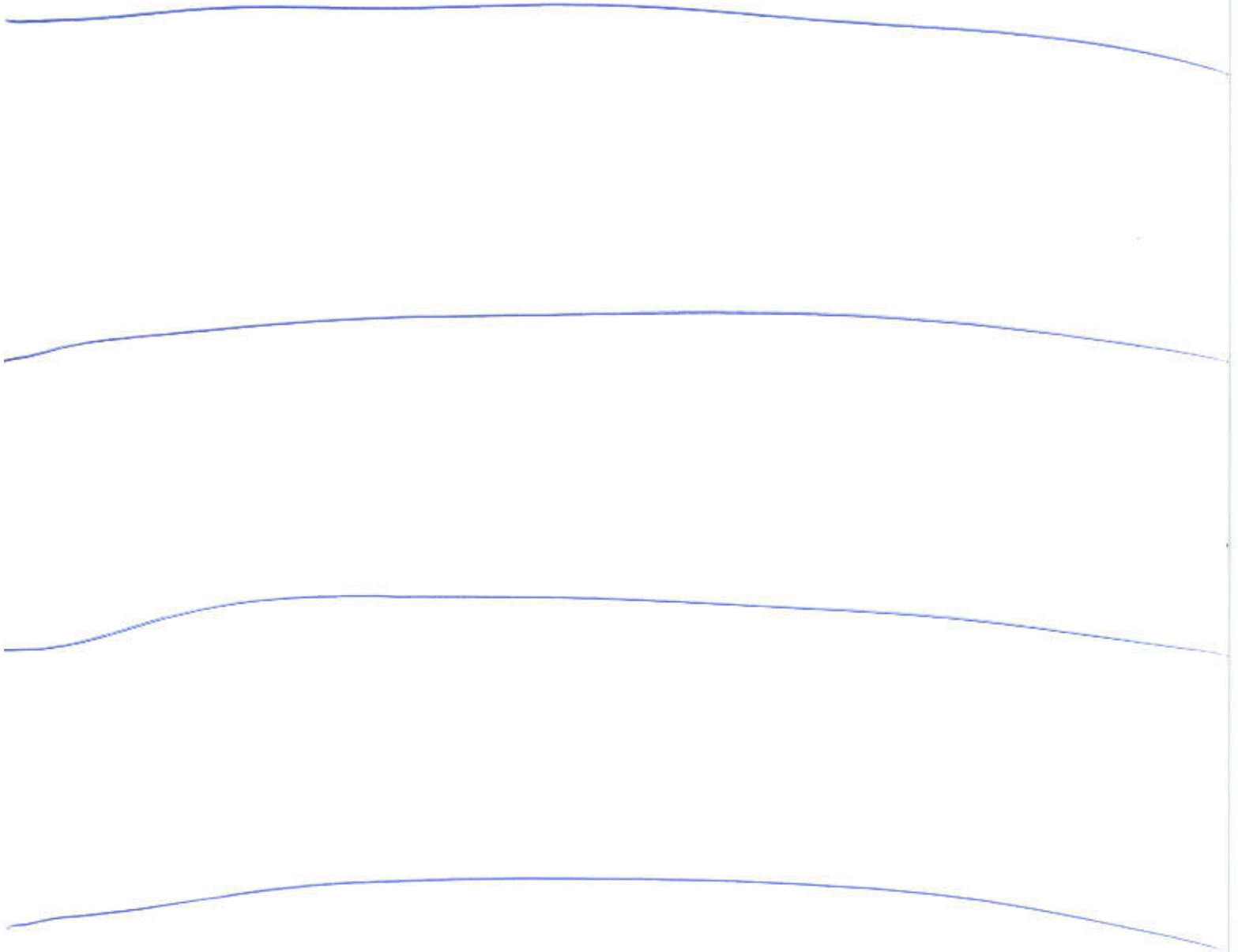
Exhibit B-1 Restricted Area Maps include Exhibit B-1A (Restricted Area Soil Sample Locations), Exhibit B-2B (Cap System Detail), and Exhibit B-1C (As-Built Restoration Plan).

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

Restricted Area Map Notes:

Exhibit B-1 indicates engineering controls. For soils with hexavalent chromium concentrations above 20 mg/kg, the engineering controls include a cap consisting of 1 foot of clean soil at the northern-most restricted area and a cap consisting of a geotextile demarcation fabric overlain by 6-inches of gravel at the southern-most restricted area.

Exhibit B-1
Restricted Area Maps



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LEGEND

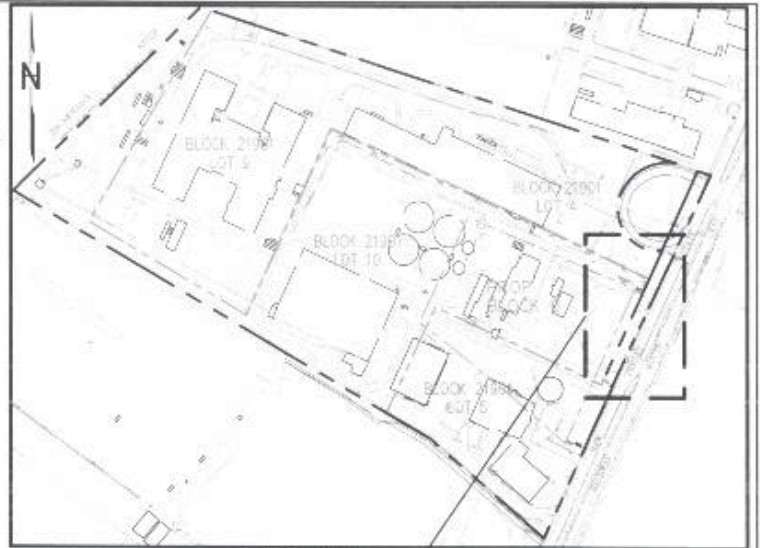


SOIL SAMPLE LOCATION
HEXAVALENT CHROMIUM > 20mg/kg
(SEE EXHIBIT B-2)

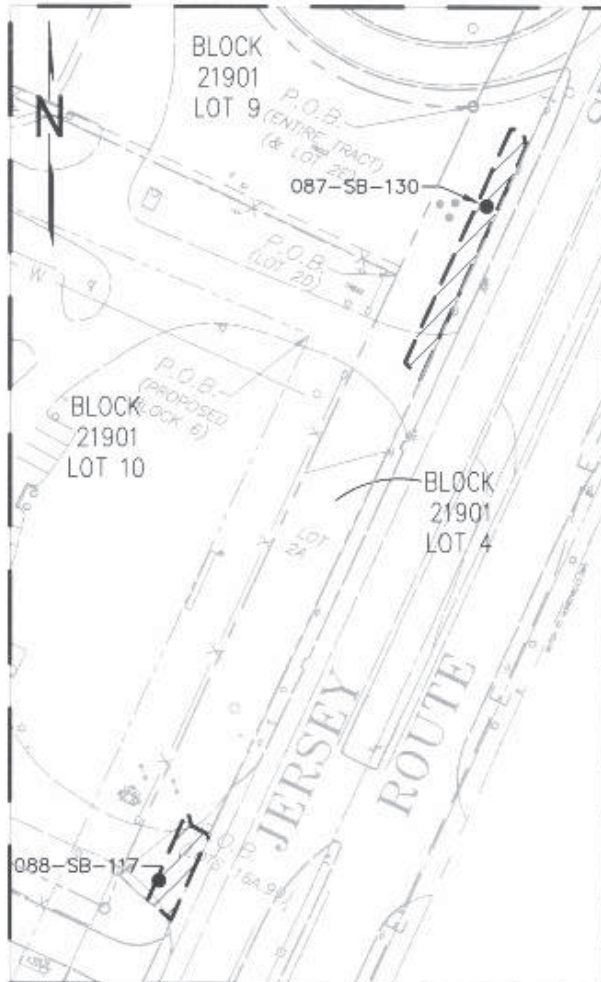
PROPERTY BOUNDARY



RESTRICTED AREA



KEY MAP
SCALE: 1" = 600'



SOURCE REFERENCE

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

DATUM:
HORIZONTAL DATUM: NAD83
VERTICAL DATUM: NGVD29

Amec Foster Wheeler PROJECT No. 3480150487
DRAWING: 3480150487-6100-B009-0000

PREPARED/DATE:
STR 12/15/16

CHECKED/DATE:
NW 01/31/17

amec foster wheeler

ENVIRONMENT & INFRASTRUCTURE, Inc.
233 AMERICAN METRO BLVD SUITE 110
HAMILTON NEW JERSEY 08610



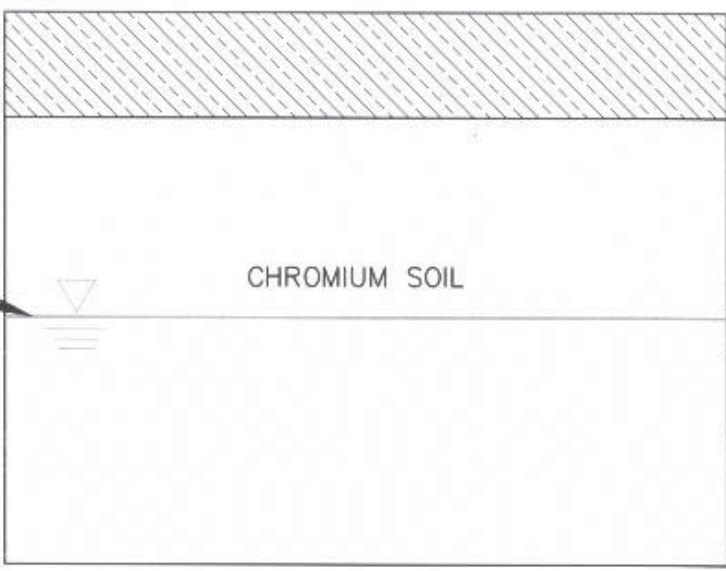
SCALE IN FEET

EXHIBIT B-1A
RESTRICTED AREA MAP
BLOCK 21901, LOT 4
SA-6 NORTH
JERSEY CITY, NEW JERSEY
DEED NOTICE #9

UNLESS OTHERWISE ADVISED IN A WRITTEN CONTRACT BETWEEN AMEC FOSTER WHEELER AND ITS CLIENT, (i) THIS DOCUMENT CONTAINS INFORMATION, DATA AND DESIGN THAT IS CONFIDENTIAL AND NOT BE LOANED, REPRODUCED, COPIED, OR DISCLOSED IN ANY MANNER TO ANY OTHER PARTY WITHOUT THE WRITTEN CONSENT OF AMEC FOSTER WHEELER AND (ii) THE DOCUMENT MAY BE USED BY THE CLIENT IN THE COURSE OF THE CONTRACT AND FOR THE EXPRESS PURPOSES SET FORTH IN THE CONTRACT. AMEC FOSTER WHEELER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREIN OR FOR THE RESULTS OF ANY INVESTIGATION OR ANALYSIS CONDUCTED BY THE CLIENT OR ANY OTHER PARTY.

1' SOIL

GROUNDWATER

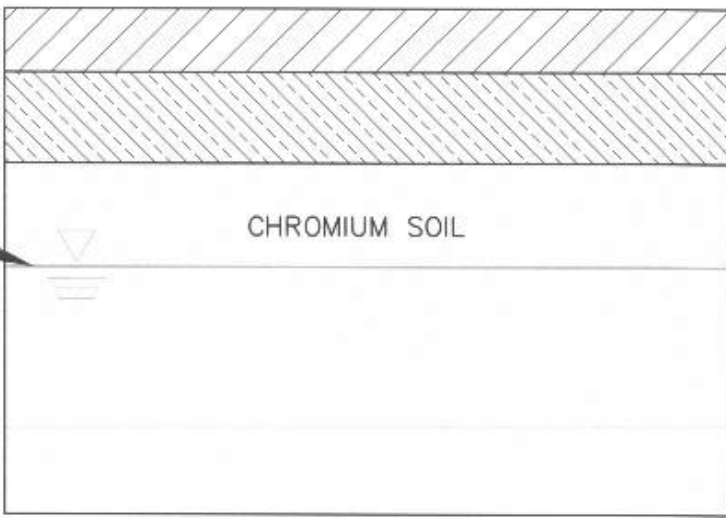


CAP SYSTEM DETAIL
(NORTHERN PARCEL)
NTS

6" ASPHALT

1' SOIL

GROUNDWATER



CAP SYSTEM DETAIL
(SOUTHERN PARCEL)
NTS

Amec Foster Wheeler PROJECT No. 3480150488 DRAWING: 3480150487-6100-8209-0000	
PREPARED/DATE: STR 01/25/17	CHECKED/DATE: NW 10/24/17

amec foster wheeler 
 ENVIRONMENT & INFRASTRUCTURE, Inc.
20 AMERICAN MEADOWS SUITE 110
 HAWORTH, NEW JERSEY 08028

EXHIBIT B-1B
 CAP SYSTEM DETAIL
 BLOCK 21901; LOT 4
 SA-6 NORTH
 JERSEY CITY, NEW JERSEY
 DEED NOTICE #9

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

The image shows three horizontal blue lines that serve as a placeholder for a table. These lines are evenly spaced and span most of the width of the page, indicating the intended structure for the data table.

EXHIBIT B-2
Restricted Area Data Table
 Study Area 6 North
 Portions of Block 21901, Lot 4
 Deed Notice 9, SA-6 North, Deferred Area (Former Trenk Property)
 Jersey City, New Jersey

Location ID	Sample Date	Sample Depth (feet bgs)	Sample Elevation (feet msl NAVD88)	Contaminant	CASR#	NJDEP Chromium SCC (mg/kg)	CONC	Q
087-SB-130	06/02/2008	1 - 1.5	0	Hexavalent Chromium	18540-29-9	20	24.3	
088-SB-117	06/02/2008	6.5 - 7	0	Hexavalent Chromium	18540-29-9	20	4670	

Notes:

Results reported in mg/kg.

Data Qualifiers:

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

Abbreviations:

Feet bgs - Feet below ground surface

mg/kg - milligrams per kilogram

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

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

EXHIBIT C

Deed Notice #9 SA-6 North Route 440 Deferred Area (Former Trenk Property)

C-1 Institutional Controls
C-2 Engineering Controls
Portions of Block 21901, Lot 4
City of Jersey City, New Jersey

C-1 Institutional Controls

C-1 Deed Notice, Consent Decree, Zoning as Institutional Controls: Exhibit C-1 (A through C) for portions of Block 21901, Lot 4, City of Jersey City, New Jersey known as the Deferred Area

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

(A) General Description of the Institutional Control:

The Property consists of two small areas on SA-6 North adjacent to the Route 440 ROW where the PSE&G gas main is located north of the SA-6 North Open Space Area. The Property is comprised of two tracts of land; Tract 1 is near Culver Circle at the Route 440 ROW and Tract 2 is further south along the Route 440 ROW closer to the SA-6 North Open Space Area. Tract 1 is an approximately 1,408 square foot area. Tract 2 is an approximately 971 square foot area. Both tracts include chromium only. Excavations in this part of SA-6 North were limited in these areas by the PSE&G gas main and will be deferred until after the Route 440 ROW widening project. Thus, these areas are termed "Deferred Areas." This deed notice is for both Tracts 1 and 2 together. Once the remediation of these areas is completed consistent with Article III of the Consent Decree, Honeywell will terminate this Deed Notice pursuant to Paragraph 13 above. In the meantime, the provisions of the LTMP, developed pursuant to the Consent Decree, will apply to the Property.

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

The Property constitutes portions of Block 21901, Lot 4. The estimated size of the Area containing chromium-impacted soils (hexavalent chromium above 20 mg/kg) as identified on Exhibit B-1 is estimated at approximately 2,370 square feet or approximately 0.05 acres.

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

The Property shall only be used for activities consistent with this Deed Notice, the Consent Decree, and the applicable zoning standards. Intrusive activities (i.e., excavation or digging) that breach the engineering controls (as described in

Exhibit C-2) will not be permitted on the Property except in compliance with the terms of the Consent Decree and the applicable portions of the LTMP developed thereunder, and this Deed Notice. See subsections 7A Alterations, Improvements, Disturbances, and 7B Emergencies for additional information. A copy of the LTMP is maintained by Honeywell at 115 Tabor Road, Morris Plains, NJ 07950.

(3) The objective of the restrictions;

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

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

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

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

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

Same as (B)(1).

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

Same as (B)(1).

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

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

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

Same as (B)(4).

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

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

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

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

C-2 Engineering Controls
Deed Notice #9 SA-6 North Route 440 Deferred Area

Portions of Block 21901, Lot 4
City of Jersey City, New Jersey

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

(A) General Description of the engineering controls:

(1) Description of the engineering controls;

The Engineering Controls consist of a cap consisting of 1 foot of clean soil at the northern-most restricted area and a cap consisting of a geotextile demarcation fabric overlain by 6-inches of gravel at the southern-most restricted area.

(2) The objective of the engineering controls; and

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

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

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

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

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

Honeywell will perform monitoring by visual inspection of the Property pursuant to the Consent Decree. Other monitoring activities shall be performed as set forth in the applicable portions of the LTMP developed pursuant to the Consent Decree.

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

Same as (B)(1) above.

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

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

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

Same as (B)(1) above. Other monitoring activities shall be performed as set forth in the applicable portions of the LTMP developed pursuant to the Consent Decree.

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

Records of the inspections are to be maintained as listed in (5). Other monitoring activities shall be performed as set forth in the applicable portions of the LTMP developed pursuant to the Consent Decree.

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

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

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

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

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

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

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

- *A report of all conditions set forth in sections (A) and (B) above to assure that they have been adhered to, including an evaluation to determine*

Appendix I
Consent Decree

[Redacted]

[Redacted]

[Redacted]

[Redacted]