

Ana J. Murteira
Senior Counsel

RECEIVED
CASE MANAGEMENT

JUN 28 2019
BOARD OF PUBLIC UTILITIES
TRENTON, NJ

June 27, 2019

Law Department
PSEG Services Corporation
80 Park Plaza – T5
Newark, NJ 07102-4194
T: 973-430-6131, F: 973-430-5983
Email: ana.murteira@pseg.com



**VIA OVERNIGHT MAIL &
ELECTRONIC MAIL**

Aida Camacho-Welch, Secretary
Board of Public Utilities
44 South Clinton Avenue
Trenton, NJ 08625

RECEIVED
MAIL ROOM

JUN 28 2019

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

EM19070773

Re: Notice of Sale of Real Estate
Public Service Electric and Gas Company
Property address: 428 Montclair Avenue, Pompton Lakes, NJ

Dear Secretary Camacho-Welch,

Public Service Electric and Gas Company (“PSE&G”) having its principal and executive offices at 80 Park Plaza, Newark, New Jersey 07102, hereby files this thirty (30) day Notice of Sale of Real Estate pursuant to N.J.A.C. 14:1-5.6(d). PSE&G executed a Real Estate Sales Contract for the sale of real property known as Block 1800, Lot 8 on the municipal tax map of Pompton Lakes, Passaic County, New Jersey and further known by street address as 428 Montclair Avenue, Pompton Lakes, New Jersey (“the Property”).

PSE&G purchased the Property on December 22, 2014 for the sum of \$333,900.00. The Property was purchased in order to remediate environmental contamination that migrated from a neighboring property that is owned by PSE&G. In order to meet its obligation to remediate, PSE&G purchased the Property, remediated the soil, and recorded a Deed Notice in accordance with the regulations of the New Jersey Department of Environmental Protection. A copy of said Deed Notice is marked as Exhibit A and is attached hereto.

CMS
Legal
DAG
RPA
S. Peterson
Economist
ENERGY(3)
B. Withereff

1. The parties involved in this sale transaction are PSE&G, as the Seller, and David Damato and Nancy Damato, as the Buyers.
2. The sale consideration amount for the sale is \$200,000.00.
3. A copy of the Contract for Sale marked Exhibit B is attached (the "Contract").
4. A copy of the Property's map marked Exhibit C is attached.
5. The Property has been publicly advertised by Coldwell Banker Residential Agency and listed for sale by said Agency through the New Jersey Multiple Listing Service system beginning on February 14, 2017. Since then, multiple offers have been received, but have never been consummated. PSE&G is of the opinion that the proposed sale price represents fair market value given the facts stated in updated Appraisal prepared by Sterling DiSanto & Associated dated May 6, 2019 marked Exhibit D attached hereto, as well as the supporting Affidavit by real estate broker, Mary Pat Spekhardt marked Exhibit E attached hereto.
6. There is no relationship between buyer and seller other than of transferor and transferee. Buyer has executed a Non-Affiliation Certification and a copy is marked Exhibit F attached hereto.
7. The amount at which the Property is carried on PSE&G's books is \$340,390.00.
8. The Property is a 2-unit residential structure. One of the two units is currently rented at a rental amount of \$1,195.00 per month. The other unit is vacant. Although the Property contains an occupied rental unit, the Property is not income producing given the fact that operating and maintenance fees associated with the Property, and real estate tax charges, outweigh rental income.
9. The township tax assessment valuation of the Property is \$328,900.00.
10. The Property has been environmentally remediated and properly Deed Noticed on the public record and it is no longer used and useful to PSE&G. The sale of the Property will not compromise the ability of PSE&G to carry on its business.

11. The Property is not a former Manufactured Gas Plant site and thus, is not subject to the Remediation Adjustment Clause (RAC).
12. A written Verification by the Manager-Corporate Real Estate Transactions, Roger J. Trudeau, as to all statements represented in this written Notice is marked as Exhibit G and attached hereto.

An original and ten copies of this Notice are enclosed. Kindly mark the extra copy as "filed" and return it to me in the enclosed returned envelope.

If you have any questions or need additional information, please contact me at the number above.

Respectfully submitted,
Public Service Electric and Gas Company,



Ana J. Murteira
Senior Counsel - Property

AJM/lw
w/enc.

- c: Stefanie A. Brand, Esq., Director, Division of Rate Counsel (via email & 2 copies via UPS overnight delivery)
Stacy Peterson, Director, Division of Energy, BPU (via email & 2 copies via UPS overnight delivery)

**EXHIBIT A
DEED NOTICE**

24 873



00HGPN

RECORD & RETURN TO:

PSEG SERVICES CORPORATION
CORPORATE PROPERTIES DEPT.
80 PARK PLAZA, T6B
NEWARK, NJ 07102

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: Richard Blackman
[Signature]

Richard Blackman
[Print name below signature]

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

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the 23rd day of Mar, 2015, by **Public Service Electric and Gas Company** (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. **Public Service Electric and Gas Company** are the owner in fee simple of certain real property designated as **Block 1800, Lot 8**, on the tax map of the **Borough of Pompton Lakes, Passaic County**; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is **G000031158**; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. **Jason Schindler LSRP License No. 575432** has approved this Deed Notice as an institutional control for the Property, which is part of the remediation of the Property.

KRISTIN M. CORRADO CLERK PASSAIC COUNTY New Jersey	INSTRUMENT NUMBER 2015018443	RECORDED ON Apr 27, 2015 1:08:02 PM	BOOK:D2619 PAGE:75	Total Pages: 24	J.PRESERVATION \$125.00 ACCOUNT	RECORDING FEES - \$145.00 RECORD OF DEEDS	ONELESSNESS TRUST \$3.00 JMD	TOTAL PAID \$273.00	W#: 1090628 USER: SF
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ii. N.J.A.C. 7:26C-7 requires the Owner, among other persons, 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 CONTAMINATION. **Public Service Electric and Gas Company** has remediated contaminated soil at the Property, such that soil contamination remains in certain areas of the Property that contains contaminants in concentrations that do not allow for the unrestricted use of the Property; this 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. As a result, there is a statutory requirement for this Deed Notice and engineering controls in accordance with N.J.S.A. 58:10B-13.

4. CONSIDERATION. In accordance with the remedial action for the site which included the Property, and in consideration of the terms and conditions of that remedial action, and other good and valuable consideration, Owner has agreed to subject the Property to certain statutory and regulatory requirements that 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, the Owner has agreed, as part of the remedial action for the Property, to restrict the use of certain parts of the Property (the "Restricted Areas"); a narrative description of these restrictions is provided in Exhibit C, which is attached hereto and made a part hereof. The Owner has also agreed to maintain a list of these restrictions on site for inspection by governmental officials.

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

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; and

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

5C. ENGINEERING CONTROLS. Due to the presence and concentration of these contaminants, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls on the Property; a narrative description of these engineering controls is provided in Exhibit C.]

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, including, without limitation, tenants, employees of tenants, and contractors, intending to conduct invasive work or excavate within the Restricted Areas, of the nature and location of contamination in the Restricted Areas, and, of the precautions necessary to minimize potential human exposure to contaminants.

ii. Except as provided in Paragraph 7B, below, no person shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Property which disturbs any engineering control at the Property without first obtaining a soil remedial action permit modification pursuant to N.J.A.C. 7:26C-7. 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 7Aii., above, a soil remedial action permit modification is not required for any alteration, improvement, or disturbance provided that the owner, lessee or operator:

(A) Notifies the Department of Environmental Protection 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;

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

(C) Ensures that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance, and during the restoration;

(D) Ensures that human exposure to contamination in excess of the remediation standards does not occur; and

(E) Describes, in the next biennial certification 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.

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 that person complies with each of the following:

i. Immediately notifies the Department of Environmental Protection of the emergency, by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;

ii. Hires a Licensed Site Remediation Professional (unless the Restricted Areas includes an unregulated heating oil tank) to respond to the emergency;

iii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;

iv. Implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the contamination;

v. Notifies the Department of Environmental Protection when the emergency or immediate environmental concern has ended by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337; and

vi. Restores the engineering control to the pre-emergency conditions as soon as possible, and provides notification to the Department of Environmental Protection within sixty (60) calendar days after completion of the restoration of the engineering control, including: (a) the nature and likely cause of the emergency; (b) the potential discharges of or exposures to contaminants, if any, that may have occurred; (c) the measures that have been taken to

mitigate the effects of the emergency on human health and the environment; (d) the measures completed or implemented to restore the engineering control; and (e) the changes to the engineering control or site operation and maintenance plan to prevent reoccurrence of such conditions in the future.

8. TERMINATION OF DEED NOTICE.

i. This Deed Notice may be terminated only upon filing of a Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the office of the **County Clerk of Passaic County, New Jersey**, expressly terminating this Deed Notice.

ii. 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 termination of the soil remedial action permit pursuant to N.J.A.C. 7:26C-7.

9. ACCESS. The Owner, and the 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 subsequent owners, lessees and operators, during their ownership, tenancy, or operation, and the Owner 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 Restricted Areas to contain a provision expressly requiring that all holders thereof provide such access to the Department.

10. 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 site.

ii. The restrictions provided herein may be enforceable solely 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.

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

12A. 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 (for example, USGS Quad map, Hagstrom County Maps);

ii. Exhibit A-2: Metes and Bounds Description - A tax map of lots and blocks as well as metes and bounds description of the Property, including reference to tax lot and block numbers for the Property;

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; and the Property Map shall include diagrams of major surface topographical features such as buildings, roads, and parking lots.

12B. EXHIBIT B. Exhibit B includes the following descriptions of the Restricted Areas:

i. Exhibit B-1: Restricted Area Map - A separate map for each restricted area that includes:

(A) As-built diagrams of each engineering control, including caps, fences, slurry walls, (and, if any) ground water monitoring wells, extent of the ground water classification exception area, pumping and treatment systems that may be required as part of a ground water engineering control in addition to the deed notice

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

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

ii. Exhibit B-2: Restricted Area Data Table - A separate table for each restricted area that includes either (A) or (B) through (F):

(A) Only for historic fill extending over the entire site or a portion of the site and for which analytical data are limited or do not exist, a narrative that states that historic fill is present at the site, a description of the fill material (e.g., ash, cinders, brick, dredge material), and a statement that such material may include, but is not limited to, contaminants such as PAHs and metals;

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

(C) Sample elevation based upon mean sea level;

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

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

(F) The remaining concentration of each contaminant at each sample location at each elevation.

12C. EXHIBIT C. Exhibit C includes narrative descriptions of the institutional controls and engineering controls as follows:

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

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

(B) Description of the restrictions on the Property by operation of this Deed Notice;
and

(C) The objective of the restrictions.

ii. Exhibit C-2: **Engineering Controls**: Exhibit C-2 includes a narrative description of **Engineering Controls** as follows:

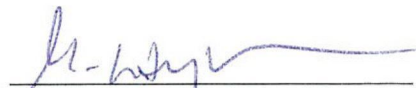
(A) Description of the engineering controls;

(B) The objective of the engineering controls; and

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

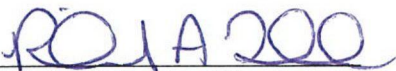
13. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

ATTEST:



M. Courtney McCormick
VP-Deputy General Counsel &
Corporate Secretary

Public Service Electric and Gas Company
By PSEG Services Corporation, its Agent

By 

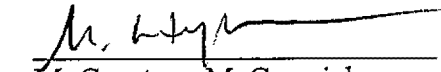
Richard A. Franklin
Manager-Corporate Properties

STATE OF NEW JERSEY)

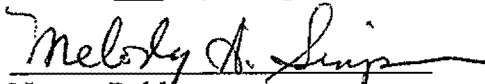
COUNTY OF ESSEX) SS:

I certify that on April 22, 2015, M. Courtney McCormick, personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) This person is the VP-Deputy General Corporate Counsel and Corporate Secretary of Public Service Electric and Gas Company, the corporation named in this document;
- (b) This person is the attesting witness to the signing of this document by the proper corporate officer who is Richard A. Franklin, the Manager-Corporate Properties of PSEG Services Corporation, Agent for Public Service Electric and Gas Company;
- (c) This document was signed and delivered by the corporation as its voluntary act and was duly authorized;
- (d) This person knows the proper seal of the corporation which was affixed to this document;
- (e) This person signed this proof to attest to the truth of these facts.


M. Courtney McCormick
VP-Deputy General Counsel &
Corporate Secretary

Sworn and subscribed to before
me this 22 day of April, 2015.


Notary Public

MELODY A. SIMPSON
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 3/1/2016