

**FILED**

JUN 21 2013

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Department of Environmental Protection  
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION and THE ADMINISTRATOR OF THE NEW JERSEY SPILL COMPENSATION FUND,	:	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION - HUDSON COUNTY
	:	DOCKET NO. HUD-C-77-05
	:	<u>Civil Action</u>
Plaintiffs,	:	
	:	CONSENT ORDER MODIFYING THE
v.	:	JUNE 26, 2009, PARTIAL
	:	CONSENT JUDGMENT AND FEBRUARY
HONEYWELL INTERNATIONAL INC., OCCIDENTAL CHEMICAL CORPORATION, and PPG INDUSTRIES, INC.,	:	19, 2013 ORDER
	:	
Defendants,	:	
	:	
v.	:	
	:	
CITY OF JERSEY CITY, JERSEY CITY MUNICIPAL UTILITIES AUTHORITY, JERSEY CITY INCINERATOR AUTHORITY, and NEW JERSEY TURNPIKE AUTHORITY,	:	
	:	
Third Party Defendants,	:	

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This matter having been opened to the Court by John J. Hoffman, Acting Attorney General of New Jersey, Richard F. Engel, Deputy Attorney General appearing, attorney for

Plaintiffs New Jersey Department of Environmental Protection and the Administrator of the New Jersey Spill Compensation Fund, the City of Jersey City, W. Michael McCabe, Site Administrator and PPG Industries, Inc., seeking modification of the June 26, 2009, Partial Consent Judgment ("the "JCO") in order to modify the judicially enforceable Master Schedule, and with respect to the Garfield Avenue Sites, as amended and approved by the Court by Order dated February 19, 2013 (the "Master Schedule"); and the parties herein having agreed to the revised Master Schedule for the PPG Sites as defined in the JCO and attached hereto and having agreed to the form and entry of the within Order.

Having considered the submissions of the parties find that there is good reason to modify the Partial Consent Judgment of June 26, 2009 and the February 19, 2013, Order of this Court.

IT IS HEREBY ORDERED, ON THIS 2/8 DAY OF, June 2013, AS FOLLOWS:

1. The Master Schedule be and is hereby superceded by the schedules (the "Schedules") attached hereto as Exhibits 1 and 2, and they are incorporated into the JCO and supercede the schedules attached to the February 19, 2013, Order. Unless all parties, acting in good faith, agree to a modification of the Schedules, all work at the sites set out in the Schedules must conform to the Schedules. The good faith reasons for modification of the Schedules are not limited to those set forth

in the force majeure provisions contained in paragraph 63 of the JCO.

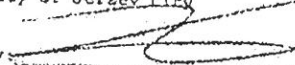
2. If any of the parties wish to change, modify or amend the Schedules and cannot secure the agreement of all of the parties, the party seeking the change, modification or amendment must make an application to the Court by way of a motion.

3. If any of the parties wish to enforce the Schedules, they must do so by way of a motion to the Court. Unless otherwise specifically modified in this Order, the provisions of the ACO and the JCO remain in full force and effect.

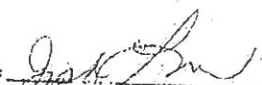
4. A copy of this Order shall be served on all parties by the plaintiffs' attorney within five days of that attorney's receipt of this Order.

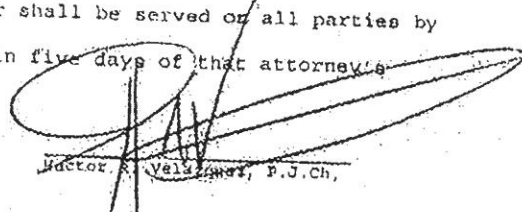
We hereby consent to the form and entry of the within Order:

City of Jersey City

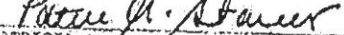
By:   
WILLIAM C. MATSIKOUNIS, ESQ.  
Corporation Counsel

PPG Industries, Inc.

By:   
JOSEPH LAGROTTERIA, ESQ.  
LeClair Ryan, Attorneys for  
PPG Industries, Inc.

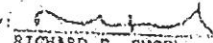
  
Victor S. Valdes, P.J.Ch.

W. Michael McCabe, Site Administrator

By:   
PATRICIA A. STALANO, ESQ.  
Helling Lindeman Goldstein &  
Siegal LLP, Attorneys for the Site  
Administrator

New Jersey Department of Environmental  
Protection and the Administrator of the  
New Jersey Spill Compensation Fund

JOHN J. HOFFMAN  
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By:   
RICHARD F. ENGEL  
Deputy Attorney General

**Exhibit 1**  
**Excavation Sequence**  
**June 14, 2013**

Quarter	2013				2014				2015			
	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	
Target Excavation Volume Goals at End of Quarter (Tons)	248,000	302,000	363,000	420,000	506,000	591,000	664,000	726,000	815,000	890,000	894,000	
Garfield Avenue Group Sites	1C		55,000 tons									
	2A		95,000 tons									
	2B-1		80,000 tons									
	2B-2						17,000 tons					
	2B-3					40,000 tons						
	2B-4							87,000 tons				
	3A					60,000 tons						
	3B							145,000 tons				
	3C									48,000 tons		
	NA										15,000 tons	
Non-Garfield Ave. Sites	Site 16											
	Sites 63/65							29,000 tons				
	Site 107											
	Site 156											
	Site 174											
	Site 186											
	Average Tons/Day by Quarter	730	930	1,170	1,160	1,510	1,460	1,360	1,230	1,590	1,320	200

**Notes:**

1. Cumulative volumes include 206,000 Tons disposed of through March 31, 2013 (includes all Sites except Site 114/Phase 2A and Berry Lane Park).
2. Future volume estimates exclude waste from Phase 2A. Total chromium and comingled waste remaining in 2A is currently estimated to be approx. 6,000 tons from Cell #2 (disposal in May 2013) and 8,000 tons from Cells #3 and 4 (Oct/Nov 2013). This waste will be managed in addition to wastes shown above.
3. Volume estimates for Phase 2B areas include all waste types: Haz Cr, Non-Haz Cr, MGP and Comingled (Cr/MGP) wastes

Exhibit 2  
Master Schedule for the NJ Chrome Remediation Sites  
6/14/2013

Phase	Property Description	Acquisition/Access			Ready for Excavation	Excavation Start	Excavation Complete	Restoration Complete
		Strategy	Timing	Contingency Plan				
1B	Site 114	Owner Negotiated Access	Access agreement in place	N/A	Complete	In Progress	Jun 2013	Aug 2013
1C	Site 114	Owner Negotiated Access	Access agreement in place	N/A	Jul 2013	Jul 2013	Mar 2014	Apr 2014
2B-1	Site 114	Owner Negotiated Access	Access agreement in place	N/A	Jun 2013	Jun 2013	Mar 2014	Apr 2014
2B-2	Site 114	Owner Negotiated Access	Access agreement in place	N/A	May 2014	Sep 2014	Dec 2014	Feb 2015
2B-1/2B-2	Skyways Property	Access required for shoring installation on site 114	Negotiations complete by 6/28/2013	Legal remedies will commence 7/1/13 if negotiated access is not obtained by that date. Full access estimated by 7/31/2013	N/A	N/A	N/A	N/A
2B-3	Site 114	Owner Negotiated Access	Access agreement in place	N/A	Mar 2014	Mar 2014	Sep 2014	Nov 2014
2B-4	Site 114	Owner Negotiated Access	Access agreement in place	N/A	Apr 2014	Dec 2014	Jul 2015	Sep 2015
3A	824 Garfield (JCRA)	Owner Negotiated Access	Access agreement in place	N/A	Mar 2014	Mar 2014	Sep 2014	Nov 2014
	846 Garfield (PPG)	Owner Negotiated Acquisition	Acquired by PPG Feb 2013	N/A				
3B	15 Halladay (PPG)	Owner Negotiated Acquisition	Acquired by PPG May 2013	N/A	Jun 2014	Aug 2014	Sep 2015	Dec 2015
	25 Halladay (PPG)	Owner Negotiated Acquisition	Acquired by PPG May 2013	N/A				
	45 Halladay (Bass)	Owner Negotiated Acquisition	If negotiations complete by 7/30/13 then access by 11/14/13	Legal remedies will commence 7/31/13 if negotiated access is not finalized by then. If access via legal means is required then access estimated as of 04/14/14				
3C	22-68 Halladay (Sethi)	Legal remedies if negotiated access not obtained	Negotiations with owner end 07/30/13	Legal remedies will commence 07/31/13 if negotiated access is not obtained by that date. Full access estimated by 04/14/14	Jan 2015	May 2015	Oct 2015	Dec 2015
	51-99 Pacific (Cohen)	Legal remedies if negotiated access not obtained	Negotiations with owner end 07/30/13	Legal remedies will commence 07/31/13 if negotiated access is not obtained by that date. Full access estimated by 03/24/14				
N/A	Site 16 45 Linden	Legal remedies if negotiated access not obtained	Negotiations complete by 7/30/13	Legal remedies will commence 7/31/13 if negotiated access is not obtained by that date. Full access estimated by 3/24/14.	May 2014	Jun 2014	Oct 2014	Nov 2014
N/A	Site 63 / 65 Baldwin Burma Road	Legal remedies if negotiated access not obtained	Negotiations complete by 7/30/13	Legal remedies will commence 7/31/13 if negotiated access is not obtained by that date. Full access estimated by 3/3/14	Jan 2014	Mar 2014	Apr 2014	May 2014
N/A	Site 107 18 Chapel	Legal remedies if negotiated access not obtained	Negotiations complete by 7/30/13	Legal remedies will commence 7/31/13 if negotiated access is not obtained by that date. Full access estimated by 6/24/14	Aug 2014	Sep 2014	Aug 2015	Sep 2015
N/A	Site 156 Metro Towers LA2	Owner negotiated access	Access agreement in place	N/A	Mar 2014	Apr 2014	Jul 2014	Sep 2014
N/A	Site 158 Metro Towers LA3	Owner negotiated access	Access agreement in place	N/A	Nov 2013	Nov 2013	Feb 2014	Mar 2014
N/A	Site 174 Dennis Collins Park	Owner negotiated access	Schedule to complete RAWP addendum by 6/30/13	N/A	Sept 2013	Oct 2013	Nov 2013	Nov 2013
N/A	Site 186 Garfield Ave #1	Legal remedies if negotiated access not obtained	Determine legal ownership status by 6/30/13	Legal remedies will commence 7/01/13 if negotiated access is not obtained by that date. Full access estimated by 8/1/13.	Aug 2013	Aug 2013	Aug 2013	Aug 2013

Notes:

- 1) "Ready for Excavation" means access has been gained, building demolition and shoring installation, if required, have been completed, and there are no known impediments to prevent excavation.
- 2) "Legal remedies will commence" means the institution of court proceedings.