

**LeClairRyan***A Virginia Professional Corporation*

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Attorneys for Defendant PPG Industries, Inc.

**FILED**

SEP 05 2014

HECTOR R. VELAZQUEZ, R.J. CH.

NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION AND THE  
ADMINISTRATOR OF THE NEW JERSEY  
SPILL COMPENSATION FUND,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL, INC.,  
OCCIDENTAL CHEMICAL CORPORATION  
AND PPG INDUSTRIES, INC.,

Defendants,

v.

CITY OF JERSEY CITY, JERSEY CITY  
MUNICIPAL UTILITIES AUTHORITY,  
JERSEY CITY INCINERATOR AUTHORITY,  
and NEW JERSEY TURNPIKE AUTHORITY,

Third Party Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - HUDSON COUNTY

CIVIL ACTION NO.: HUD-C-77-05

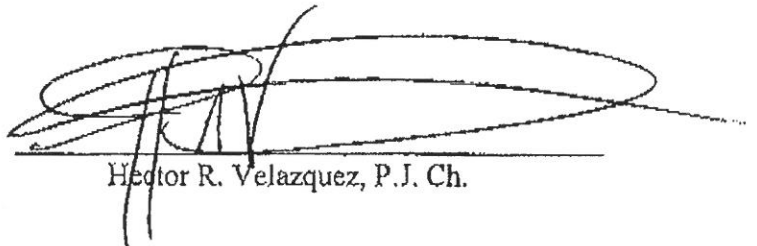
**CONSENT ORDER MODIFYING THE  
JUNE 21, 2013 ORDER**

This matter having been opened to the Court by LeClairRyan, a Virginia Professional Corporation, attorney for Defendant PPG Industries, Inc., and with the consent of 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; W. Michael McCabe, Site Administrator; and the City of Jersey City by its Corporation Counsel, seeking modification of Exhibit 2 to the Master Schedule to the June 21, 2013 Consent Order; and the parties herein

having agreed to those certain revisions of the Master Schedule for the PPG Sites as defined in the June 26, 2009 Partial Consent Order ("JCO") as amended; and the parties herein having agreed to the form and entry of this Consent Order:

IT IS ON THIS 5<sup>th</sup> DAY OF, SEPTEMBER 2014, ORDERED AS FOLLOWS:

1. The Court finds that there are good faith reasons to modify the existing Exhibit 2 to the Master Schedule with the modified Exhibit 2 attached to this Consent Order as Exhibit A;
2. The modified Exhibit 2 attached to this Consent Order is hereby incorporated into the JCO and supersedes the previous Exhibit 2 which was part of the June 21, 2013 Consent Order;
3. All other provisions set forth in the June 21, 2013 Consent Order remain in full force and effect.
4. A copy of this Order shall be served on all parties by PPG's attorney within five days of that attorney's receipt of an executed copy of this Consent Order.



Hector R. Velazquez, P.J. Ch.

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

City of Jersey City

W. Michael McCabe, Site Administrator

By: \_\_\_\_\_  
Jeremy Farrell, Esq.  
Corporation Counsel

By: Patricia A. Stalano  
Patricia A. Stalano, Esq.  
Helling Lindeman Goldstein & Siegal  
LLP, Attorneys for the Site Administrator

PPG Industries, Inc.

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

By: Joseph F. Zagrotteria  
Joseph F. Zagrotteria, Esq.  
LeClairRyan, Attorneys for PPG  
Industries, Inc.

John J. Hoffman  
Acting Attorney General  
By: \_\_\_\_\_  
Richard F. Engel  
Deputy Attorney General

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

City of Jersey City

W. Michael McCabe, Site Administrator

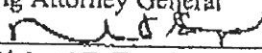
By: \_\_\_\_\_  
Jeremy Farrell, Esq.  
Corporation Counsel

By: \_\_\_\_\_  
Patricia A. Staiano, Esq.  
Helling Lindeman Goldstein & Siegal  
LLP, Attorneys for the Site Administrator

PPG Industries, Inc.

New Jersey Department of Environmental  
Protection and the Administrator of the New  
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By: \_\_\_\_\_  
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Industries, Inc.

John J. Hoffman  
Acting Attorney General  
By:   
Richard F. Engel  
Deputy Attorney General

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PPG Industries, Inc.

By: \_\_\_\_\_

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Industries, Inc.

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By: \_\_\_\_\_

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LLP, Attorneys for the Site Administrator

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

John J. Hoffinan  
Acting Attorney General

By: \_\_\_\_\_

Richard F. Engel  
Deputy Attorney General

# EXHIBIT A

Exhibit 2  
Master Schedule for the NJ Chrome Remediation Sites  
(Date: 7/29/2014)

Phase	Property Description	Acquisition / Remediation	Ready for Excavation		Excavation Start		Excavation Complete		Backfilling Complete	Restoration		Comments (See attachments for more detail on Revised Mitigation Detail)
			Original	Actual OR Revised	Original	Actual OR Revised	Original	Actual OR Revised		Start Date	Actual Completion	
1B	Site 114								Oct 2014	Aug 2013		The capillary break has been installed in 50% of the phase area. The remainder of the capillary break will be installed concurrently with the restoration sequencing. The memorandum dated 7/8/14 in accordance with the remaining 50% of the phase will be complete by September 2015. (See Phase 1B Notice of Intent to Schedule memorandum dated 7/8/14 for further detail)
1C	Site 114									Apr 2014	Mar 2015*	Subsequent to the excavation and equipment cleanup, the installation of perimeter sheet piling which subsequently delayed excavation. (See Phase 1B-1 Notice of Intent to Schedule memorandum dated 7/8/14 for further detail.) Restoration will be completed with the Restoration Sequencing Plan memorandum dated 7/8/14. *Restoration to commence in March 2015, weather permitting. Restoration will commence no later than May 2015.
2B-1	Site 110								Mar 2014	Apr 2014	Mar 2015*	Subsequent to the excavation and equipment cleanup, the installation of perimeter sheet piling which subsequently delayed excavation. (See Phase 1B-1 Notice of Intent to Schedule memorandum dated 7/8/14 for further detail.) Restoration will be completed with the Restoration Sequencing Plan memorandum dated 7/8/14. *Restoration to commence in March 2015, weather permitting. Restoration will commence no later than May 2015.
2B-2	Site 124								Feb 2015	Apr 2014	Mar 2015*	Excavation completed ahead of schedule. Restoration will be consistent with the Restoration Sequencing Plan memorandum dated 7/8/14. *Restoration to commence in March 2015, weather permitting. Restoration will commence no later than May 2015.
2B-1/2B-2	Site 110 Property								N/A	N/A	N/A	Site 110 Property beyond limits of Garfield Avenue Group of Sites. Access was restricted to drive along the northern boundary of Phase 2B-1 and 2B-2. Also identified in 11/25/10 Court judgment as potentially infeasible.
2B-3	Site 114								Sep 2014	Sep 2014	Oct 2014	No daily projected per PPG 6A6 Schedule Assessment dated 4/17/14. Restoration will be consistent with the Restoration Sequencing Plan memorandum dated 7/8/14.
2B-4	Site 114								Jul 2015	Aug 2015	Sep 2015	No daily projected per PPG 6A6 Schedule Assessment dated 4/17/14. Restoration will be consistent with the Restoration Sequencing Plan memorandum dated 7/8/14.
3A	Site 114 (OMA)								Jul 2015	Aug 2015	Sep 2015	No daily projected per PPG 6A6 Schedule Assessment dated 4/17/14. Restoration will be consistent with the Restoration Sequencing Plan memorandum dated 7/8/14.
3B	Site 114 (OMA)								Sep 2014	Sep 2014	Oct 2014	No daily projected per PPG 6A6 Schedule Assessment dated 4/17/14. Restoration will be consistent with the Restoration Sequencing Plan memorandum dated 7/8/14.
	Site 114 (OMA)								Sep 2015	Sep 2015	Oct 2015	No daily projected per PPG 6A6 Schedule Assessment dated 4/17/14. Restoration will be consistent with the Restoration Sequencing Plan memorandum dated 7/8/14.
3C	Site 114 (OMA)								Oct 2015	Oct 2015	Nov 2015	No daily projected per PPG 6A6 Schedule Assessment dated 4/17/14. Restoration will be consistent with the Restoration Sequencing Plan memorandum dated 7/8/14.

Notes:  
 1) "Ready for Excavation" means access has been gained, including demolition and shoring/installation, if required, have been completed, and there are no known impediments to permit excavation.  
 2) "Actual OR Revised" means the instance of course progression.  
 3) "Original" indicates that the original schedule has been used.  
 4) For Garfield Avenue Group Sites, "Actual OR Revised" means the actual work phase is brought to the "Restoration Sequencing Plan" memorandum dated 7/8/14.  
 5) "Restoration Complete / Assessable" means the Assessment described in the RSCOM/NOI/CD "Restoration Sequencing Plan" memorandum dated 7/8/14.

Exhibit 2  
Master Schedule for the NY Chromium Remediation Site  
(Date: 7/8/2014)

Phase	Property Description	Acquisition / Access Status	Ready for Excavation		Excavation Start		Excavation Completion		Budget Complete	Restoration		Remarks	
			Original	Actual OR Revised	Original	Actual OR Revised	Original	Actual OR Revised		Start Date	Key Completion		
N/A	Site 15 45 Landon						Oct 2014	Oct 2014		Oct 2014	Nov 2014	Key milestones for more detail on landfill restoration detail	
N/A	Site 57 / 65 Bldg with Bertha Road					Apr 2014	Jan 2015	Jan 2015		May 2014	Jan 2015	Key milestones for more detail on landfill restoration detail	
N/A	Site 207 18 Chapel	In Requisition	Aug 2014	Access plus 2 months	Sep 2014	Access plus 4 months	Aug 2015	Access plus 14 months	Access plus 15 months	Sep 2015	Access plus 5 months	Access plus 15 months	Legal proceedings are being set up to be proceeds of adjudication. (See Site 207 Notice of Impact to Schedule memorandum dated 7/6/14 for further detail.)
N/A	Site 146 Metro Tower L&Z											Excavation and restoration completed on schedule, pending confirmation during review of Remedial Action Report.	
N/A	Site 156 Metro Tower L&Z											Excavation and restoration completed on schedule, pending confirmation during review of Remedial Action Report.	
N/A	Site 156 Metro Tower Bldg Room											Excavation and restoration completed on schedule, pending confirmation during review of Remedial Action Report.	
N/A	Site 134 Demol Culiva Park											Ready for Excavation for the portion of Site 134 means that remedial investigation has completed and a remedial approach has been agreed to by the Partner. Remedial approach subject to investigation and feasibility study results.	
N/A	Site 188 Garfield Avenue #1											CDPW was identified beyond the anticipated excavation area. Additional investigation is required to determine the extent of CDPW and the areas where remediation is required. (See Site 174 Notice of Impact to Schedule memorandum dated 7/1/14 for further detail.)	

Notes:  
 3) 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.  
 4) When remedial work commences, the installation of earth retention is required.  
 5) When shoring installation is required, the installation of earth retention is required.  
 6) For certain Remedial Action Sites, "Ready for Excavation" means that all  
 7) Restoration Complete / Alternative PIR Approach is described in more detail in the ACDPW/ACD "Restoration Sequencing Plan" memorandum dated 7/8/14.